

# CITY COUNCIL PROCEEDINGS

AUGUST 15, 2006

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 15, 2006  
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, present. Council Member Skelton were absent with prior notice.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Father Peter Smith, St. Mary Orthodox Church, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the August 8, 2006 meeting were approved 6 to 0, (Skelton absent).

## AWARDS AND PROCLAMATIONS

Proclamations

### Project Redirectory Month

Mayor Mayans read aloud the Proclamations for Project Redirectory Month and Dane Saska Day.

## PUBLIC AGENDA

Frank Chappell

### Frank Chappell-Future treatment of City Councils and citizens by this Council.

Mr. Chappell stated that he has some concerns regarding the direction the Council is heading. Stated that it is a direction that he feels is shutting out the voices of the elect red and keeping broadcasters and journalists from reporting pertinent information, the public has a right to know. Asked why it is necessary to spend \$17,000.00 on a consultant to tell you what is needed for Lawrence Dumont Stadium. Stated that the redesign for Lawrence Dumont Stadium should be a free gift from the designers of the downtown arena and recently in one year the Council spent \$24 million dollars on consultants. Asked the City Council if they really felt that there are no creative people in Wichita and if there are no creative people in the city's employees, then there should be some staff changes. Stated that your recent action says that you want to keep citizens and any future Council from debating the mill levy at WSU. Stated that this mill levy was voted for by the citizens of Wichita, to pay off Henry Levitt Arena so WSU could become part of the state's system. Stated that this debt was paid off decades ago and the mill levy was not passed by the voters to pay off future debts or to be used for anything the president wants to. Stated that our tax money goes to Topeka, and they give it to the State Board of Regents to give back to WSU. Stated that in addition more tax money from Wichita goes directly to WSU and this is double taxation and now the Council wants to make it without representation. Stated that he helped on several of the City Council Member's election campaigns and most have drifted from their roots, the people who have elected you to office. Stated that he has made several calls to his representatives and has received no callbacks. Asked the Council to remember that the same people who voted them in can vote them out and arrogance is never a virtue for local officials. Stated that the money wasted on consultants or on the WSU mill levy would more than pay for the dash cameras and new officers for the police department. Stated that all of us should strive to work together and get this great flower, the City of Wichita, out of the bud stage and into full bloom.

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## Micale Habtemarian-Sarah's Ice Cream & Cookies concession at the Wichita Mid-Continent Airport.

David Dahl

Mr. Dahl stated that he is speaking on behalf of Micale Habtemarian and has known this family for 12 years and is their legal counsel and that they run a business called Sarah's Ice Cream & Cookies at the Wichita Airport. Stated that this is a disadvantaged business enterprise and Host is the concessionaire at the airport and they was looking at their options because the lease ran out with the Wichita Airport and one of those options was whether or not to add a Starbucks at the Wichita Airport. Stated that the Wichita Airport Advisory Committee were looking at the various options in the main terminal and they felt that the best option was to keep Sarah's in the main terminal with no Starbucks and that is what they recommended on June 5, 2006. Stated that he was negotiating a lease extension with Host and were informed shortly after that, that the recommendation of the Wichita Airport Advisory Committee was not going to be followed and they were not going to be given the option to stay in the main terminal. Stated that they asked for an extension of the time within which, they could make up their mind whether or not to operate a Great American Bagel but they would lose their identity and it would be very difficult for them to make it financially in operating just a Great American Bagel on the east concourse. Stated that they have given them several extensions throughout this time period and have been given until tomorrow afternoon at 5:00 p.m. to either operate on the east concourse as the Great American Bagel or to operate in the main terminal as is with the Starbucks business going in the main terminal as well. Stated that they are not trying to prevent the Wichita community from enjoying a Starbucks in there as well but Host has said to them through a study, that if Starbucks does come into the main terminal and they operate there as well, they do not think that they can survive. Stated that they will have to have an expanded menu in the main terminal and that they need to operate in the main terminal as a Sarah's with an expanded menu and that is what they are asking the Council to consider. Stated that the result would keep Sarah's a viable disadvantaged business enterprise, which they have been without incident for sixteen years and that they have been an excellent role model for the minority community and have been a family business without any problems. Stated that they have also raised their family in this business and have been a welcoming element in Wichita for people coming from the outside and people leaving the community of Wichita. Stated that they are asking the Council to do what is prudent, fair and right and that is to allow Sarah's to continue to operate in the main terminal to co-exist with a Starbucks but to allow Sarah's to continue on with an expanded menu.

Mayor Mayans

Mayor Mayans stated that it was indicated that there was already an agreement on this and the agreement between Host and Sarah's was taken to the Wichita Advisory Board and they concurred with those findings and now there is a problem. Asked how did this happen.

David Dahl

Mr. Dahl stated that he is not certain but on June 5<sup>th</sup> the Wichita Airport Advisory Board felt that Sarah's should be the concessionaire and the Wichita Airport Advisory Board voted to allow them to continue as is without a Starbucks in the main terminal and from that point on, it was decided somehow that Starbucks was going to operate in the main terminal also.

Mayor Mayans

Mayor Mayans stated that we are the governing body but have not seen the advisory board's recommendation and it has not been placed on the agenda. Asked the City Manager how to get an extension for this issue.

George Kolb

City Manager explained that we are not involved in the negotiations between Host and Sarah's but we can ask Host for an extension but that is between Host and them. Stated that we would be interfering with their lease agreement in terms of allocating their space.

Mayor Mayans

Mayor Mayans stated that if we were to contact Host and tell them that there was an agreement and the Airport Advisory Board concurred with that agreement and ask them to bring this agreement to the City Council for a vote, otherwise Host will not be working here much longer. Stated that the Council knew nothing about this issue until it was in a crisis mode.

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- David Dahl Mr. Dahl stated that there was not a signed contract but a recommendation on the part of the Wichita Airport Advisory Board to allow Sarah's to operate in the main terminal without a Starbucks and that is how they and Host understood that they were all moving forward.
- George Kolb City Manager stated that the City Council sitting as the Airport Authority, entered into a lease extension with Host earlier this year and under that lease agreement, Host has a responsibility to negotiate with Sarah's to set up and utilize the lease space as was agreed to in the lease extension.
- Mayor Mayans Mayor Mayans stated Host would be welcomed to come before the Council at a later meeting so that they can receive direction from the City Council as to what the Council wants to see.
- Gary Rebenstorf Director of Law stated that discussions between Host's attorney and Mr. Dahl resulted in an agreement and he received a letter from Mr. Dahl indicating that they had reached some type of an agreement, which was verified by the information that he provided and information that was provided by Host's attorney. Stated that based upon that, he advised the Council that there was that agreement between the two of them and it has since been made public that there has been a concern about that agreement because they felt that it was forced upon them and was not something that they were willing to do and were asking for more time to look into the matter. Stated that Host agreed to negotiate further and the two attorneys have been involved in those negotiations and it is a business matter between Host and Sarah's that they are trying to work out at this time. Stated the process is that once they have completed their negotiations between Host and Sarah's then that matter would go to the advisory board for them to review one more time and then that matter would come to the City Council for final approval as the Airport Authority. Stated that he thinks we are involved in the process at this point in time and that eventually this matter would come before the Airport Authority for a final decision.
- George Kolb City Manager explained that there should not be a public negotiation between Host and Sarah's and there was a plan that was brought to the airport that included a Starbucks and other franchises that they wanted to put in and the Airport Advisory Board originally agreed that is the plan that they would like to implement. Stated that after this public negotiations started to take place, the advisory board felt that they should try and resolve this issue but the issue continued and they have taken a position that Host and Sarah's should continue their negotiations and as he understood the latest is to let Sarah's operate as it is in the airport and that negotiation should continue to go on. Stated that he was not aware of a deadline but that is part of the negotiations and a process that is taken place between Host's attorney and Mr. Dahl. Stated that Host is doing everything that they can to accommodate Sarah's and stay in conformance with the 10% DBE requirement with the airport and that is going to be very difficult under the current circumstances and feels that we ought to allow them to do that.
- David Dahl Mr. Dahl stated that what has happened is that Host admitted that if they stay in the main terminal with the existing menu, it would be very difficult for them to survive and that is why they feel that they need an expanded menu.
- Mayor Mayans Mayor Mayans stated that he feels that we need to send a message that the City Council supports the continued negotiations and that they will not be "under the gun" on a specific deadline, which does not give them a lot of time to negotiate. Stated that at some point it would appear to him that Host should come at a future Council Meeting so that they can visit with them on this issue and as a governing body, they have a say in the things that they want to see at the airport.
- George Kolb City Manager stated that he feels that would be putting artificial constraints on Host because the lease between Host and Sarah's expired in April and they have been trying to negotiate something for more than a year and he feels that to tie one sides hands in these negotiations is inappropriate and should not be interfering with the orderly and productive negotiations between the parties.

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Maryon Habtemarian Ms.Habtemarian stated that she feels that the Council is getting misleading ideas. Stated that they are in current negotiations with Host and they were invited yesterday as well as Victor White to attend today's Council Meeting. Stated that if they go into negotiations tomorrow, the deadline being at 5:00 pm tomorrow, they will have had to make a decision to either operate the Great American Bagel on the east concourse or keep Sarah's as is without an expanded menu. Stated that a packet was distributed to the Council Members, which includes a letter that has a copy of an e-mail stating to them that if Sarah's stays in the concourse that they need to sign something that says Starbucks will be there also and that any impact on their business is not their concern. Stated that the pressure regarding the tomorrow's deadline to sign is not out of the question but the problem is without a negotiation for an expanded menu, their ability to compete in this environment may be severely affected. Stated that in terms where everything changed regarding the Advisory Board's recommendation, there would not be this long extended battle and would have come to the City Council if it were not for the letter sent that stated that the recommendations to them was to have a Starbucks and a Great American Bagel and if they did not accept the Great American Bagel they could pack up and leave, which was a fax submitted to them and this is where the change of events came. Stated that they are fighting for their business to remain there.

(Council Member Fearey momentarily absent)

## Kevass Harding-Minority owned business at the Wichita Mid-Continent Airport.

Jenny Garvey Ms. Garvey stated that she is speaking on behalf of Mr. Harding and that she and her husband travel a lot and have been regular customers of Sarah's for many years and all this time they have been owned and ran by the Habtemarian family.

Sarah Habtemarian Miss Habtemarian stated that she does not want to see this business leave and has watched it grow throughout her 18 years. Asked the Council to keep Sarah's at its original location.

Inaudible Grandmother stated that she has taught her family that if you work and study hard you can make a difference in yourself and the world. Asked the Council to please give this business a chance to grow and improve Mid Continent Airport and let Sarah's stay at the same location.

Jan Harness Ms. Harness stated that she has always been greeted with courtesy, respect and kindness by the entire family and that them immigrated to the United States and have worked very hard and came here with nothing and utilized their means and their efforts and made a successful business in the airport and does not feel that they should be penalized by a big corporation and moved to the sidelines as if they have done nothing to work for their success and be overlooked because a coffee giant wants their space at the airport. Stated that this family came here to realize the American dream of working hard and you will be successful for your efforts. Asked the Council to not penalize them and crush their dream of our country.

## Charles Maxey-Sarah's Ice Cream & Cookies at Wichita Mid-Continent Airport.

Jihad Mugtasid Mr. Mugtasid stated that he would be speaking on behalf of Charles Maxey and that he is the presiding elder for the Council of Elders. Stated that he is here to talk about this business and they are very proud of this business. Stated that they are here to tell the Council that they support this business being the only minority at the airport and are very proud of them. Stated that he hopes that the Council reviews this issue and not make them close their business and take a job selling bagels.

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## Steve Habtemarian-Sarah's Ice Cream & Cookies at Wichita Mid-Continent Airport.

Lincoln Montgomery

Mr. Montgomery stated that he is the pastor of the Tabernacle Church without Walls and have known this family for 20 years and they are the models that we can hold up as people who have worked, earned and are the epitome of the American Dream and are diligent in their business and are respected in our community. Stated that this family is a symbol for our community and if they cannot succeed or their opportunity is denied, then it is difficult for the rest of us who are in the trenches everyday saying to our young people that you can succeed if you do the right thing, that we might be telling them a falsehood. Stated that the important issue is that this business is thriving and it would do better if it were assisted rather than being hindered and their hope would be that it would be nurtured rather than threatened, when it is the only minority business in the airport. Stated that they want the Council because they have not ceded their authority to Host International and by definition they are accountable to all of us and they want the Council to hear very clearly this morning that they are concerned by the way Sarah's has been treated and hope that there will be a positive outcome in all of this and hope that they will be allowed to remain in the main terminal and hope that the ultimate decision will be that they will be allowed to compete as all other businesses do and be given the opportunity to compete on a leveled playing field and if they need to expand the product line, that they be allowed to do that.

Senator Donald Betts

Senator Betts stated that today he stands on behalf of constituents of the 29<sup>th</sup> District who have been loyal citizens, taxpayers and contributors to the City of Wichita for many years and so has Sarah's Café, a locally owned and Kansas grown business with a proven identity, respect from the community and 16 faithful dedicated years of service at the airport. Stated that during the 2006 legislative session, the City of Wichita sent lobbyist to Topeka to advocate for House Substitute for Senate Bill 475, an act concerning economic development creating the affordable airfare fund to support certain programs. Stated that one of those programs will be for the Mid Continent Airport and will provide more air flight options for more competition for air travel and affordable fares for Kansas. Stated that he was sold on the fact that bill would keep Kansans from traveling to neighboring states for their air travel and spend the money right here in Kansas. Stated that it past with the hopeful benefit of the great state of Kansas and is now a law. Stated that as the senator for the 29<sup>th</sup> district, he is advocating for the sustainability of Sarah's as it currently resides in the very airport that will benefit from House Substitute for Senate Bill 475. Stated that this is a locally owned Kansas small business like Senate Bill 475, spends its money in Kansas and the beneficiaries who are also Kansas grown and locally owned, include Specialty Beverage Concept, Squeak's Doughnuts, American Fun Foods, Ripples Coffee, The Spice Merchant and Dillons to name a few. Replacing Sarah's with a franchise will outsource these services and the aftermath will also have damaging effect on other Kansas grown and locally owned small businesses. Therefore taking the money away from the very state that passed legislation that fights to keep Kansas dollars in Kansas. Stated that according to the Kansas Department of Transportation, the DBE program is intended to remedy past and current discrimination against disadvantaged business enterprises, ensure a level playing field, foster equal opportunity and Kansas Department of Transportation assisted contracts, improve the flexibility and efficiency of the disadvantaged business enterprise program and reduce burdens on small businesses. Asked that when it is time for the City Council to cast their vote, that they consider their constituents and ask themselves if the playing field is leveled, flexible and efficient for all parties and even those that will be affected unintentionally. Asked the Council Members to ask themselves if replacing Sarah's with a franchise would truly reduce the burden on small businesses and that the decision rests with them.

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## Junius B. Dotson-Sarah's Ice Cream & Cookies at the Wichita Mid-Continent Airport.

- Junius Dotson Mr. Dotson stated that this family has established a very reputable business and are doing an outstanding job. Stated that they have petitions to support Sarah's that they will continue to stay and operate in their current capacity and that they are excited that we live in an open market that does allow for competitive business and see no reason for Starbucks to come into our community but to also allow Sarah's to compete and even expand their menu so that they can compete and survive in this open market.
- Mayor Mayans Mayor Mayans stated that they have the City Council's support to instruct the manager and legal staff to send a message to Host Marriott that the Council would like to make sure that the negotiations could continue without having a deadline to be concerned about.
- Council Member Fearey Council Member Fearey stated that she has received several e-mails and it seems that our Diversity Task Force has been working on this and asked Ray Frederick if there will be an official report that will come to the City Council sometime soon and to maybe put it on the August 22<sup>nd</sup> workshop.
- Ray Frederick Mr. Frederick stated that he is Chairman of the Diversity Task Team and they have completed their discussions and fact findings with Sarah's and with Host and the four of them from the Diversity Task Team, which includes Brian Black, Denise Sherman, Delia Lopez and himself, will be meeting tomorrow and will be compiling the information that each of them have recorded as they have listened and observed to the conversations and is their intent to report to the City Council as well as the manager with their findings. Stated that they had originally intended to do that on a two on two and have that opportunity to discuss their findings and will hope to do that very quickly. Stated that as part of the process he welcomes the opportunity for an extension and ask that Host consider very seriously an opportunity for them to complete their efforts and what the Council has asked them to do before Sarah's has to make a decision.
- Council Member Fearey Council Member Fearey instructed the Director of Law on behalf of the Council as the Airport Authority, to work to get that extension.

## CONSENT AGENDA

- Mayor Mayans Mayor Mayans requested to pull items 24 and 25.
- Motion--  
--carried Mayans moved that the Consent Agenda excluding items 24 and 25 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Skelton absent).

## **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 14, 2006.

Bids were opened august 11 2006, pursuant to advertisements published on

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications:

Central, Oliver to Woodlawn (87N-0135-01/472-83873/706871/636124 /620377/204337/773520/663498) AND Central, Woodlawn to Rock Road (87N-0251-01/472-83874/706872/636114/204338/772511) Traffic to be maintained during construction using flagpersons & barricades. (District I, II)

Lafarge North America - \$8,758,524.55\* (Total aggregate bid)

\*Upon KDOT approval

Fawn Grove from the east line of Lot 66, Block 2 to the west line of Lot 83, Block 2 to serve Fawn Grove at Sunset Lakes Addition south of Kellogg, west of Greenwich (472-84408/765995/490112) Does not affect existing traffic. (District II)

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Kansas Paving Company - \$186,262.00

2006 Contract Maintenance Area Concrete Street Repairs, Phase 2 north of Pawnee, west of Woodlawn (472-84370/132719/620447/133116/) Traffic to be maintained during construction using flagpersons and barricades. (District I, IV, V)

Kansas Paving Company - \$174,800.00 (Engineer's Estimate)

Water Main Replacement to serve Garfield Addition east of K-42, south of Kellogg and west of Hiram, north of Dooley (448-89809/636171/776564) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Duling Construction - \$575,782.00

Accel/Decel Lane on 21st Street North from the west property line of Oak Creek Addition to Greenwich Road to serve Oak Creek Addition south of 21st Street North, west of Greenwich (472-84206/765935/490048) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$201,392.60

Sanitary Sewer Repairs at 2127 Keeneland Circle south of 21st Street North, east of Webb Road (468-84211/620459/666578) Does not affect existing traffic. (District II)

Utilities Plus - \$6,400.00

Water Distribution System to serve The Fairmont Addition north of 21st Street North, west of 127th Street East (448-90093/735327/470998) Does not affect existing traffic. (District II)

McCullough Excavation - \$42,500.00

Lateral 5, Main 4 Northwest Interceptor Sewer to serve Copper Gate North Addition north of 13th Street North, west of 135th Street West (468-83974/744188/480876) Does not affect existing traffic. (District V)

Dondlinger & Sons - \$89,752.00

Storm Water Sewer #618 to serve Falcon Falls 3rd Addition north of 45th Street North, west of Hillside (468-84099/751420/485311) Does not affect existing traffic. (District I)

McCullough Excavation - \$78,950.00

Motion--

--carried

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/VARIOUS DIVISIONS: Uniforms.

Industrial Uniform Company Inc. - \$27,539.00\*

\*Estimate – Contract approved on unit cost basis; refer to attachments.

IT/IS DEPARTMENT: 78 each - Aircards @ \$50.00 per each card per month Estimated annual usage. Sprint\* - \$47,000.00 (GSA Contract #GS-07-T03BGD0003)

\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

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Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSE.

#### Renewal:

Marvin Gehrke	MG Management	535 South St. Francis
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Motion--  
--carried

Mayans moved that the license be approved subject to Staff review and approval. Motion carried 6 to 0, (Skelton absent).

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
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Nilson A. Chamaqua	El Bahia*	2855 South Hydraulic
Cang Q. Phu	Pho Hot LLC*	2409 East Pawnee

<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
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Mohssen Zare-Maivan	Zare Jumpstart	3805 West 21 <sup>st</sup> Street
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<u>Special Event</u>	<u>August 26-27, 2006</u>
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Ted McMullen	Wichita Flight Festival	3512 North Webb
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Skelton absent).

## PRELIM ESTS

### PRELIMINARY ESTIMATES:

- a) Hillside from Kellogg to Central (87N-0226-01/472-83862/706867/204333) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$6,140,000.
- b) Main 4 Northwest Interceptor Sewer - along 135th Street West from Central to 21st. (468-83889/ 744149/480837) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$6,000,000.
- c) Water Line Improvements - 13th Street North and 135th Street West 135th Street West from 13th to 21st, and 13th Street North from Firefly to 135th Street West (448-90100/635665/765718) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$225,000.
- d) 2006 Contract Maintenance Asphalt Mill & Overlay Phase 3- south of 13th Street North, east of Meridian (472-84433/132719/620447/133116/) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, IV) - \$587,600.
- e) City Hall Parking Lot Concrete Repairs - south of Central, west of Main (472-84432/792463/435411) Does not affect existing traffic. (District VI) - \$160,350.



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- f) Lateral 4, Main 11 Four Mile Creek Sewer to serve Fairmont Addition north of 21st Street North, west of 127th Street East (468-84052/744190/480878) Does not affect existing traffic. (District II) - \$116,000.
- g) Paddock Green Circle from 97 feet south of the north line of Lot 5, Block 1, to and including the cul-de-sacs serving Lots 6 through 29, Block 1 to serve Brighton Courts Addition south of 21st Street North, west of Webb (472-83817/765997/490114) Does not affect existing traffic. (District II) - \$226,200.
- h) Cost of construction of Storm Water Drain #278 to serve Auburn Hills 16th Addition - south of Maple, east of 151st Street West. (District V) (468-84092/751418/485-309) – Total Estimated Cost \$700,000.

Motion--carried

Mayans moved that the file be received. Motion carried 6 to 0, (Skelton absent).

## PETITION

### **CONSTRUCT AN ACCELERATION/DECELERATION LANE ON THE SOUTH SIDE OF 21<sup>ST</sup> STREET, WEST OF GREENWICH TO SERVE OAK CREEK ADDITION.** **(DISTRICT II)**

Agenda Report No. 06-0832

On April 25, 2006, the City Council approved a Petition to construct an acceleration/deceleration lane on the south side of 21st Street, west of Greenwich, to serve Oak Creek Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new commercial development located south of 21st Street, west of Greenwich.

The existing Petition totals \$200,400 with the total assessed to the improvement district. The new Petition totals \$252,000 with the total assessed to the improvement district.

This project will address the Efficient Infrastructure goal by improving vehicular access to a new commercial development. It will also address the Economic Vitality and Affordable Living goal by facilitating new commercial development that is vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

## RESOLUTION NO. 06-426

A Resolution of findings of advisability and resolution authorizing constructing an accel/decel lane on the south side of 21<sup>st</sup> Street North from the west property line of Oak Creek Addition to Greenwich Road (south of 21<sup>st</sup>, west of Greenwich) 47284206 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans; (Skelton absent).

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## PETITION

### **CONSTRUCT A SANITARY SEWER MAIN TO SERVE AN AREA NORTH OF 21<sup>ST</sup> STREET, WEST OF 159<sup>TH</sup> STREET EAST. (DISTRICT II)**

Agenda Report No. 06-0833

The Petition has been signed by three owners representing 100% of the improvement district.

The project will provide sanitary sewer main service to a developing residential and commercial area north of 21st Street, west of 159th Street East. It will also serve a new Andover School building.

The Petition totals \$700,000, with \$514,106 paid by the Sewer Utility and \$185,894 assessed to the improvement district. City Council policy provides that sanitary sewer mains are funded 50% by the Sewer Utility and 50% by special assessments. However, much of the service area for this project is currently outside the City limits and cannot be assessed at this time. Sewer Main Benefit fees will be assessed to the area as it develops and will recover a large part of the Utility's share the project cost.

This project addresses the Efficient Infrastructure and Economic Vitality goals by facilitating new development that is critical to Wichita's continued growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of the property in the improvement district.

Motion--

Mayans moved that the Petition be approved; the authorizing Resolution and the Resolution authorizing revenue bonds adopted; the notice of intent to issue revenue bonds approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

--carried

#### RESOLUTION NO. 06-427

A Resolution of findings of advisability and resolution authorizing construction of Main 20, Four Mile Creek sewer (north of 21<sup>st</sup>, west of 159<sup>th</sup> Street East) 468-84206 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans; (Skelton absent).

#### RESOLUTION NO. 06-428

Notice of intention to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City of Wichita, Kansas, and issue revenue bonds, in a total principal amount which shall not exceed \$514,106, for the purpose of paying certain costs thereof, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## BOARD MINUTES

### **MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Wichita Employee's Retirement Board, April 26, 2006  
Wichita Employee's Retirement Board, May 17, 2006  
District VI Advisory Board, June 5, 2006  
District III Advisory Board, June 7, 2006  
District IV Advisory Board, June 7, 2006  
Board of Park Commissioners, June 12, 2006  
Board of Electrical Appeals, June 13, 2006  
District IV Advisory Board, July 5, 2006  
Wichita Public Library, July 18, 2006

Motion--carried

Mayans moved that the file be received. Motion carried 6 to 0, (Skelton absent).

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## **STREET CLOSURES     CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures requested.

## **AUBURN HILLS     CONSTRUCTION ENGINEERING AND STAKING IN AUBURN HILLS 16<sup>TH</sup> ADDITION, SOUTH OF MAPLE, EAST OF 151<sup>ST</sup> STREET WEST. (DISTRICT V)-SUPPLEMENTAL.**

Agenda Report No. 06-0834

The City Council approved the water and sanitary sewer improvements in Auburn Hills 16th Addition on March 21, 2006. On June 6, 2006 the City approved an Agreement with Baughman Company P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Baughman will be on a lump sum basis of \$31,810 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water and sanitary sewer improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--     Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.  
--carried     Motion carried 6 to 0, (Skelton absent).

## **EMERALD BAY     CONSTRUCTION ENGINEERING AND STAKING IN EMERALD BAY ESTATES ADDITION, WEST OF WEST STREET, NORTH OF 21<sup>ST</sup> STREET. (DISTRICT V)-SUPPLEMENTAL.**

Agenda Report No. 06-0835

The City Council approved the water improvements in Emerald Bay Estates Addition on January 24, 2006. On February 7, 2006 the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to R&B will be on a lump sum basis of \$9,000 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--     Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.  
--carried     Motion carried 6 to 0, (Skelton absent).

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## COPPER GATE

### COPPER GATE NORTH ADDITION, NORTH OF 13<sup>TH</sup> STREET, WEST OF 135<sup>TH</sup> STREET WEST. (DISTRICT V)

Agenda Report No. 06-0864

The City Council approved the water and sanitary sewer improvements in Copper Gate North Addition on April 5, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water and sanitary sewer in Copper Gate North Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$20,300 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water and sanitary sewer improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

## FOX RIDGE

### FOX RIDGE ADDITION, NORTH OF 29<sup>TH</sup> STREET NORTH, EAST OF MAIZE. (DISTRICT V)

Agenda Report No. 06-0865

The City Council approved the water, sanitary sewer and storm water improvements in Fox Ridge Addition on July 11, 2006.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water, sanitary sewer and storm water in Fox Ridge Addition. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$50,900 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sanitary sewer and storm water improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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## AUBURN HILLS

### AUBURN HILLS 16<sup>TH</sup> ADDITION, SOUTH OF MAPLE, EAST OF 151<sup>ST</sup> STREET WEST. (DISTRICT V)

Agenda Report No. 06-0866

The City Council approved the paving improvements in Auburn Hills 16th Addition on March 21, 2006.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of paving in Auburn Hills 16th Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$77,700 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

## MERTON

### MERTON, EAST OF SENECA. (DISTRICT IV)

Agenda Report No. 06-0867

The City Council approved the paving project on May 9, 2006.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of paving Merton, east of Seneca. The Staff Screening & Selection Committee selected Baughman for the design on June 19, 2006.

Payment to Baughman will be on a lump sum basis of \$12,500 and will be paid by special assessments.

This project will address the Efficient Infrastructure goal by providing paving improvements to a developed commercial area.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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## CROSS POINTE

### CROSS POINTE ADDITION, SOUTH OF 21<sup>ST</sup> STREET, EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 06-0868

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in Cross Pointe Addition on June 28, 2005.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of water, sanitary sewer, storm water drainage and paving in Cross Pointe Addition. Per Administrative Regulation 1.10, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$56,300 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sanitary sewer, storm water drainage and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

## LEGACY PARK

### LEGACY PARK WILSON ESTATES THIRD ADDITION, SOUTH OF 21<sup>ST</sup> STREET, WEST OF WEBB. (DISTRICT II)

Agenda Report No. 06-0869

The City Council approved the paving improvements in Legacy Park Wilson Estates 3rd Addition on June 6, 2006.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of paving in Legacy Park Wilson Estates 3rd Addition. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$23,800 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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## HAWTHORNE

### HAWTHORNE THIRD ADDITION, SOUTH OF 21<sup>ST</sup> STREET, EAST OF 127<sup>TH</sup> STREET EAST. (DISTRICT II)

Agenda Report No. 06-0870

The City Council approved the water, sanitary sewer and paving improvements in Hawthorne 3rd Addition on March 1, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in Hawthorne 3rd Addition. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$55,090 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sanitary sewer and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized.  
Motion carried 6 to 0, (Skelton absent).

## RAINBOW LAKES

### RAINBOW LAKES WEST ADDITION, SOUTH OF CENTRAL, EAST OF 135<sup>TH</sup> STREET WEST. (DISTRICT V)

Agenda Report No. 06-0871

The City Council approved the water distribution system and sanitary sewer improvements in Rainbow Lakes West Addition on March 28, and May 9, 2006.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of the water and sanitary sewer improvements in Rainbow Lakes West Addition. The Staff Screening and Selection Committee selected Baughman for the design on June 19, 2006.

Payment to Baughman will be on a lump sum basis of \$28,500 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water and sanitary sewer improvements in an existing residential area. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in an existing residential area that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized.  
Motion carried 6 to 0, (Skelton absent).

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## PROP. ACQUIS.

### ACQUISITION OF A PERMANENT EASEMENT FOR THE AQUIFER STORAGE AND RECOVERY PROJECT, (NORTHWEST SEDGWICK COUNTY)

Agenda Report No.06-0836

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan.

A major component of the Water Supply Plan is the Equus Beds Aquifer Storage and Recovery Project. To ensure the safety, reliability and longevity of the new facilities, it is necessary to improve the power lines in 119th St. W. north of 109th St. N. Currently there is only a 25-foot road right-of-way in 119th St., which is not adequate to install the improved electrical system. An additional five feet of easement is necessary from the property located in at the northeast corner of 119th St. W. and 109th St. N. The owner has agreed to convey a strip of land as an easement for the appraised amount of \$2,500.

A budget of \$2,550 is requested. \$2,500 will be used to pay the landowner for the easement and the remainder used for recording purposes.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The easement has been approved as to form.

Motion--  
--carried

Mayans moved that the Budget and the permanent easement be approved and the payment authorized. Motion carried 6 to 0, (Skelton absent).

## LEE AEROSP.

### AMENDMENT OF LETTER OF INTENT, LEE AEROSPACE, INC. (DISTRICT II)

Agenda Report No. 06-0837

On March 16, 1999 and December 2, 2003, City Council approved the issuance of Industrial Revenue Bonds in the total amount of \$4.7 million and a five-plus-five year 100% tax exemption on bond-financed property to Lee Aerospace, Inc. On June 20, 2006, City Council approved a Letter of Intent to Lee Aerospace, Inc. for Industrial Revenue Bonds in an amount not to exceed \$2,500,000.

The intent of the application was actually to have the Letter of Intent run to Lee Real Estate, LLC. and hence a modification is necessary to accommodate that desire.

There is no financial impact to the City as a result of the amendment.

Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption and sale tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

The City Attorney's Office is in agreement with the change.

Motion--  
--carried

Mayans moved that the amendment of the Letter of Intent to change the name from Lee Aerospace, Inc. to Lee Real Estate, LLC be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).



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## SANITARY SEWER

### SANITARY SEWER MAIN TO SERVE AN AREA ALONG MACARTHUR, BETWEEN ½ MILE EAST OF WEST STREET AND THE WICHITA-VALLEY CENTER FLOOD CONTROL DITCH. (DISTRICT IV)

Agenda Report No. 06-0838

On September 14, 2004, the City Council approved a Petition submitted by the developers of Blue Lake Addition located west of West Street, north of MacArthur for their share of a future sanitary sewer main. On April 5, 2005, the City Council approved a sanitary sewer Petition for the Oatville neighborhood located adjacent to Blue Lake Addition. Resolutions have been prepared to authorize bond funding to construct the Sewer Main for Blue Lake Addition, the Oatville neighborhood and the surrounding service area.

The project will provide sanitary sewer main service to a partially developed area along MacArthur between ½ mile east of West Street and the Wichita-Valley Center Flood Control Ditch. The existing homes in the area are served by private septic tank systems.

The estimated project cost is \$1,100,000, with \$935,000 paid by the Sewer Utility and \$165,000 assessed to the improvement district. A portion of the service area is outside the City limits and cannot be assessed at this time. Sewer Main Benefit fees will be added to future lateral sewer Petitions in the service area and will recover a large part of the Utility's share of the project cost.

This project addresses the Efficient Infrastructure goal by extending sanitary sewer main service to homes with septic tank systems and a new residential subdivision.

State Statutes provide the City Council authority for the project.

Motion--

Mayans moved that the Project be approved; the authorizing Resolution and the Resolution authorizing revenue bonds be authorized; the notice of intent to issue revenue bonds approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

--carried

#### RESOLUTION NO. 06-429

A Resolution of findings of advisability and resolution authorizing construction of main 22, southwest interceptor sewer, (west of West Street, north of Macarthur) 468-83861, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, (Skelton absent).

#### RESOLUTION NO. 06-430

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$935,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, (Skelton absent).

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**REVISED RESOLUT. REVISED RESOLUTION: SANITARY SEWER MAIN TO SERVE AN AREA GENERALLY BOUNDED BY THE WICHITA-VALLEY CENTER FLOOD CONTROL DITCH, THE KANSAS SOUTHWESTERN RAILROAD TRACKS AND 25<sup>TH</sup> STREET. (DISTRICT V)**

Agenda Report No. 06-0839

On May 4, 2004, the City Council approved a project to construct a sanitary sewer main to serve an area generally bounded by the Wichita-Valley Center Flood Control Ditch, the Kansas Southwestern Railroad Tracks and 25th Street. Since that time, the Water and Sewer Department has acquired two tracts in the improvement district as a site for a future water treatment plant. A revised resolution has been prepared that reflects the resulting increased Sewer Utility share of the project. The revised resolution also corrects several minor errors with the legal descriptions for properties in the improvement district.

The project has been completed and serves a large area that includes both older, developed residential neighborhoods and new residential/commercial developments.

The project cost is \$843,800. The Utility share has increased from \$632,850 to \$711,630 due to the acquisition of the water treatment plant site. The remaining \$132,170 is assessed to the improvement district.

This project addressed the Efficient Infrastructure goal by extending sanitary sewer main service to existing and future development.

State Statutes provide the City Council authority to increase the Sanitary Sewer Utility share of the project.

Motion--  
--carried

Mayans moved that the revised Resolution be adopted and the necessary signatures authorized.  
Motion carried 6 to 0, (Skelton absent).

## RESOLUTION NO. 06-431

A Resolution of findings of advisability and resolution authorizing construction of main 20, southwest interceptor sewer, (an area generally bounded by the Wichita Valley Center Flood Control Ditch, the Kansas Southwestern Railroad tracks and 25<sup>th</sup> Street) 468-83796, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## VOCA GRANT

### 2007 VICTIMS OF CRIME ACT (VOCA) GRANT.

Agenda Report No. 06-0840

The Federal Victims of Crime Act (VOCA) Crime Victim Assistance grant program is administered by the Kansas Governor's Federal Grants Program. In 2001, the City Council approved the initial grant application for VOCA funding, which established a Victim Assistance Unit (VAU) in the Police Department, staffed by two civilian employees. These employees are responsible for providing direct victim assistance and coordination with established community resources. The Police Department's VAU staff work closely with several victim services agencies, including the Wichita Area Sexual Assault Center, YWCA Women's Crisis Shelter, Catholic Charities, U.S. Attorney's Victim Assistance Office, District Attorney's Victim/Witness staff, and Assistant District Attorneys.

The VAU is responsible for facilitating a coordinated response to the needs of crime victims, developing and implementing training programs (internally and externally), and administering a contingency fund to meet the emergency needs of crime victims. Victim assistance is focused on the primary and secondary victims of violent crime, including death cases and elderly burglary victims. The VAU has been instrumental in working with the Wichita Police Department's violent crimes and

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burglary sections to assist victims with restoring stability to their lives, and aiding in the reduction of secondary victimization. The efforts of the VAU, in conjunction with other Police Department personnel, has enhanced service to victims of crime and has established trust and open communication within the community.

The grant application seeks funding for the continuation of the Victim Assistance Unit for federal FY 2007, beginning October 1, 2006 through September 30, 2007. The total budget request is \$149,804; 80% (\$119,843) to be provided by VOCA funding and a 20% (\$29,961) local match requirement, which can be funded from anticipated under expenditures in the Police Department budget or General Fund reserves.

The City Council has the authority to submit and receive the grant.

Motion--  
--carried

Mayans moved that the grant application be approved; the necessary signatures authorized and the any necessary budget transfers approved. Motion carried 6 to 0, (Skelton absent).

## C&D FILING

### LANDFILL GAS SYSTEM RELOCATING FOR PHASE II OF C&D FILLING. (DISTRICT VI)

Agenda Report No.06-0841

The Brooks Landfill currently operates as a construction and demolition (C&D) waste landfill. The first phase of filling will be completed in the fall of this year. A second, and much larger phase, will be used upon closure of the first fill area.

In order to maximize the air space available for Phase II of the C&D fill, it will be necessary for a portion of the existing landfill gas collection system to be relocated. Wichita Gas Producers, LLC has completed the design and specification for the relocation work, pre-qualified firms who can perform the work, and has received competitive bids for the relocation of the impacted facilities.

The City will derive all of the benefit of the relocation of these facilities as it increases the available air space for filling while continuing to provide for the effective collection of the landfill gas that is being produced from the closed municipal solid waste cells.

Bids received were received from three companies and are summarized here:

Company	Bid Amount
Shaw	\$564,945.00
AEI	\$488,825.00
Landmarc	\$431,802.75

Included in these bid amounts are the costs incurred by Wichita Gas Producers for a consulting engineering firm (Weaver Boos Consultants – LLC Southwest) to design the changes. The total cost of the project based on the low bid received is therefore \$431,802.75. This total represents the maximum amount to be paid to Wichita Gas Producers. Payment to Wichita Gas Producers will be for their actual cost and will be subject to this maximum amount.

The project will address the Efficient Infrastructure Goal by maximizing the disposal capacity for construction and demolition waste in the Phase II area of the Brooks C&D Landfill.

Funds are available within the Landfill Budget for this project. The project will be reflected in the revised 2006 Landfill Budget if the project is approved by the City Council.

The Law Department has approved the Third Amendment to the Landfill Rights Agreement as to form.

Motion--  
--carried

Mayans moved that the project to relocate a portion of the landfill gas collection system at the Brooks Landfill to allow for Phase II C&D filling operations be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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## 2005 CAFR

### WICHITA EMPLOYEE'S RETIREMENT AND POLICE & FIRE RETIREMENT SYSTEMS' 2005 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Agenda Report No. 06-0842

Since 1998, Pension Management has prepared the Comprehensive Annual Financial Report (CAFR) of the Wichita Employees' Retirement and Police & Fire Retirement Systems. The CAFR is designed to provide information needed by interested parties to gain an understanding of the financial position, results of operations, investments and actuarial positions of the Retirement Systems.

The financial statements presented in the CAFR for the year ended December 31, 2005 have been audited by the independent certified public accounting firm of Allen, Gibbs & Houlik, L.C. and an unqualified opinion has been issued stating that the financial statements present fairly, in all material respects, the plan net assets and the changes in plan net assets in conformity with generally accepted accounting principles.

The Government Finance Officers Association (GFOA) of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the Wichita Retirement Systems for the year ended December 31, 2004. In order to be awarded a Certificate of Achievement, a government unit must publish an easily readable and efficiently organized CAFR, with content that conforms to program standards. The 2004 award represents the sixth consecutive year in which the Wichita Retirement Systems have earned this award. Staff believes that the 2005 CAFR continues to meet GFOA standards for certification and the City has applied for this recognition.

The Internal Perspective is impacted through the fair presentation of the financial condition of the City's pension systems to the City Council, the citizens of Wichita; plan participants and other interested parties.

Motion--  
--carried

Mayans moved that the Wichita Retirement Systems' Comprehensive Annual Financial Report for the fiscal year ended December 31, 2005 be received and filed. Motion carried 6 to 0, (Skelton absent).

## FIDELITY

### FIDELITY BANK RESOLUTION.

Agenda Report No. 06-0843

The City utilizes Fidelity Bank to process and service Neighborhood Improvement Revolving Loan program transactions. This program provides loan assistance for the purposes of historic preservation, rehabilitation and restoration, as well as rehabilitation of owner-occupied and rental homes.

Authorized staff has changed requiring update of the authorizing resolution related to the accounts held with Fidelity bank. The authorizing resolution delegates individual authority with respect to specific banking transactions to ensure the proper segregation of duties and adequate internal controls.

Banking fees associated with this program are borne by the loan participants.

This action impacts the Economic Vitality/Affordable Living and Internal Perspectives through the continued services provided by Fidelity Bank and facilitation of transactions related to the Neighborhood Improvement Revolving Loan program.

Motion--  
--carried

Mayans moved that the resolution updating the list of individuals authorized to execute transactions with Fidelity Bank be adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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## (Item 24) SAFE ROUTES

### SAFE ROUTES TO SCHOOL FEDERAL FUNDING APPLICATION.

Chris Carrier

Public Works Director reviewed the item.

Agenda Report No. 06-0844

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) was passed in 2005. Included in this federal legislation included funding for the Safe Routes to School (SRTS) program. The SRTS program is administered through the Kansas Department of Transportation (KDOT). The program is a 100% reimbursement program intended to enable and encourage children, including those with disabilities, to walk and bicycle to school; to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and to facilitate the planning, development and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption and air pollution in the vicinity of schools. These funds are available for infrastructure and non-infrastructure projects, and administrative programs that benefit elementary and middle school children in grades K-8.

The goal of this program is to partner with area schools to facilitate the planning, development and implementation of infrastructure projects that will improve safety for students' walking/biking to school. Plans will be developed for an approximate 2-mile radius around the targeted schools.

The federal program is 100% reimbursement with no impact to the City of Wichita budget. Acceptance of the award will not obligate general fund monies.

The program supports the following goals:

- Providing a Safe and Secure Community by increasing awareness and education about traveling safely to schools and providing education to drivers who navigate these areas.
- Core Area and Neighborhoods by improving safety and education of alternative methods to access schools in neighborhoods.
- Quality of Life improving the health of students encouraging walking and bicycling to schools from home.

The Department of Law has approved the resolution as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the resolution for application to the Safe Routes to School program be adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

### RESOLUTION NO. 06-432

A Resolution declaring the eligibility of the City of Wichita, Ks to submit an application to the Kansas Department of Transportation for use of Safe Routes to Schools funds set forth by Safetee-Lu for the Safe Routes to School Plan (Phase A) Project in the City of Wichita and authorizing Mayor Carlos Mayans to sign this application, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

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(Item 25)

SAFE ROUTES

## SAFE ROUTES TO SCHOOL APPLICATION RESOLUTION, REGIONAL EDUCATION PLAN/PROGRAMS, WICHITA AREA METROPOLITAN PLANNING ORGANIZATION.

Nancy Harvieux

Transportation Planning Manager reviewed the item.

Agenda Report No. 06-0845

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) was passed in 2005. This federal legislation included funding for the Safe Routes to School (SRTS) program administered through the Kansas Department of Transportation (KDOT). The program is a 100 percent reimbursement program intended to enable and encourage children, including those with disabilities, to walk and bicycle to school; to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and to facilitate the planning, development and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption and air pollution in the vicinity of schools. These funds are available for infrastructure and non-infrastructure projects, and administrative programs that benefit elementary and middle school children in grades K-8.

This application by WAMPO will teach children in the region how to safely travel to and from schools from their homes and neighborhoods. Children will also be educated about the broad range of transportation choices, helping them to bicycle and walk safely to school. Drivers will also benefit from driver safety campaigns in the vicinity of schools.

The federal program is 100 percent reimbursable with no impact to the City of Wichita budget. Acceptance of the award will not obligate general fund monies.

The program supports the following goals:

- Providing a Safe and Secure Community by increasing awareness and education about traveling safely to schools and providing education to drivers who navigate these areas.
- Core Area and Neighborhoods by improving safety and education of alternative methods to access schools in neighborhoods.
- Quality of Life by improving the health of students by encouraging walking and bicycling to schools from home.

The Department of Law has approved the resolution as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

---carried

Mayans moved that the resolution for application to the Safe Routes to School program be adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

### RESOLUTION NO. 06-433

A Resolution declaring the eligibility of the City of Wichita, Kansas, as fiscal agent for Wichita area metropolitan planning organization (Wampo), to submit an application to the Kansas Department of Transportation for use of Safe Routes to Schools funds set forth by Safetee-Lu for the Wampo Safe Routes to School Plan Project in the Wampo planning area and authorizing the city of Wichita to submit the application, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

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UNSAFE STRUC.

## **ABATEMENT OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, III, IV & V)**

Agenda Report No. 06-0846

The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or board up and secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor, or City staff performs the work, and the Office of Central Inspection bills the cost to the property owner.

State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the demolition and board up abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

Statements of Charges will be mailed to the property owners on August 25, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2006 bonds sold. The principal and interest will then be spread for 1-year and placed on the 2006 tax roll.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued revitalization of the Core Area. Dangerous building condemnation actions, including demolitions and emergency property board-ups, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

Motion--  
--carried

Mayans moved that the proposed assessments be approved and the ordinance placed on first reading. Motion carried 6 to 0, (Skelton absent).

### ORDINANCE

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas.

ORDINANCES

## **SECOND READING ORDINANCES: (FIRST READ AUGUST 8, 2006)**

a) Sidewalk Repair Assessment Program.

ORDINANCE No. 47-096

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

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- b) Pawnee Improvement between Meridian and Seneca. (District IV)

## ORDINANCE No. 47-097

An Ordinance declaring Pawnee between Meridian and Seneca (472-84356) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

- c) Establishment of a Redevelopment District, Tax Increment Financing for the Douglas and Hillside Redevelopment Project. (District II)

## ORDINANCE No. 47-098

An Ordinance of the City of Wichita establishing the Douglas & Hillside Redevelopment District read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

- d) 37th St. North Improvement between Tyler and Ridge. (District V)

## ORDINANCE No. 47-099

An Ordinance amending Ordinance no. 46-558 of the City of Wichita, Kansas declaring 37th St. North, between Tyler and Ridge (472-84186) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## NEW BUSINESS

### **2007 BUDGET**

Kelly Carpenter

### **2007 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 2006 BUDGET.**

Director of Finance reviewed the item.

Agenda Report No. 06-0848

The 2007/2008 Proposed Budget has been presented to the City Council, including presentations at workshops and at District Advisory Board (DAB) meetings. Additional presentations have included separate discussions involving proposed increases in Water and Sewer rates and Golf course fees. The City Council has received public comments on the proposed 2007/2008 budgets, both formally at regular meetings of the Council and informally at each of the City's DABs. On July 18, 2006, the City Council placed the budget ordinances on first reading and authorized the publication of the hearing notices, establishing the maximum taxes levied for the 2007 City budgets.

2007 Operating Budget. The proposed 2007 annual operating budget was officially published at \$485,102,402 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$582,537,352. The inclusion of expendable trust funds, as required by law, is an additional \$59,752,780 for a total of \$642,290,132. The estimated mill levy for this budget would be 31.898 mills, no change from the levy for the current 2006 Adopted Budget.



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The General Fund property tax levy is \$62,159,930 (including a delinquency allowance) at an estimated 21.898 mills. The levy for the Debt Service Fund is \$28,386,130 (including a delinquency allowance) and is estimated at 10.000 mills. The total tax levy is \$90,546,060.

There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic development TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds is \$7,459,120, of which \$6,579,910 is derived from property tax increments.

The SSMID Fund is included in the proposed budget assuming mill levy rate of 5.950 mills and a delinquency factor of 3%, the new valuation projections would result in \$579,210 revenue net of delinquency in fiscal year 2007 (2006 taxes levied). Factoring revenue from prior year delinquencies (\$12,070) and motor vehicle tax revenue (\$22,410) results in a total of \$613,690.

Jointly Funded Budgets. The General Fund includes City of Wichita contributions to the jointly funded City County budgets, as identified in the table below.

2007 Proposed Budget	City	County	Revenue	Total
Flood Control	809,040	809,040	0	1,618,080
Metropolitan area planning	761,570	761,570	282,950	1,806,090

It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions.

The 2007/2008 Proposed Budget also contains projected increases for Water Utility rates and Sewer Utility rates, and the Golf Course fee increase.

Rate pressures in the Water and Sewer Utilities are driven almost exclusively by capital needs associated with major investments. These investments ensure the Utilities are able to keep pace with growth in the metropolitan area and guarantee a reliable source of water for the community through the year 2050. The proposed annual rate increases are 3% and 7% for the Water Service and Sanitary Sewer, respectively, effective January 1, 2007.

An increase in golf fees (\$1 on weekdays and \$2 on weekends) for MacDonald, LW Clapp, Consolver and Sim Golf Courses is included, effective October 1, 2006. The increase will not impact play at Auburn Hills and senior rates or junior golf fees.

2006 Revised Budget. In addition to action on the 2007 Budget, it is requested that action be taken to amend the 2006 Adopted Budget – as contained in the proposed budget submitted to the City Council:

1. The Economic Development Fund increase of \$2,808,090 is due primarily to the \$987,500 funding for affordable air service and increases for proposed incentives, to provide flexibility for opportunity uses of these funds.
2. The Special Alcohol Programs Fund increase of \$168,430 is due to additional revenues received from state transfers of liquor tax funds, which will allow additional drug and alcohol treatments programming to be funded.
3. The Ice Rink Management Fund increase of \$160,220, based on projected increases in program activity at the Ice Rink. All increased expenditures are offset by increased revenue.
4. The Water Utility Fund increase of \$2,188,490 is due to accelerated replacement of the utility billing system (which also increases the charge to the Sewer Utility), higher debt service costs due to a larger-than-anticipated bond sale, and a larger inventory account. The inventory account will be significantly reduced at year-end as inventoried parts are charged to appropriate project accounts.

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5. The Sewer Utility Fund increase of \$353,530 reflects the cumulative effect of several smaller increases, including higher utility billing system costs, additional pump replacement parts, backflow preventers for areas of repeated sewer backups, and increased charges from the Water Utility.

Publication of the notice of formal hearing on August 4 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established and published.

Approval of the proposed rate increases in the Water and Sewer Utilities will financially provide for the projects identified in the City's Adopted Capital Improvement Program (CIP) and sustain all current operations.

The adoption of the annual budget provides a funding plan for services each of the five goal areas.

Publication requirements of State law for the final (formal) public hearing have been met. Appropriate disclosure is included within the ordinance of property tax increases not related to assessed value added by improvements, appreciating personal property and/or annexation. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Jessie Sheffield

Mr. Sheffield stated that he is the president of the South City Association and that there have been 1,471 calls, the west location has had 319 and the east location has had 173 calls. Stated that he drove out to the locations where these fires stations are going to be built and they are going to be built in the county and these properties have not even been annexed in to the city yet. Stated that if the county goes in with the City on this they can do this but as far as he knows the county and the city are still in negotiations over the issue of the county and city merging together their fire departments. Stated that he would like the City Council to reconsider this proposal.

(Council Member Schlapp momentarily absent)

Doug Pickard

President of the Wichita Fire Fighters stated that he sat in on workshops and the fire station issue has been a hot topic and that there is a need in the south city however, he feels that the Council has laid it out to have three stations on an accelerated schedule and the time frame provided for all three to be constructed in the 2007-2008 budget but was unable to find it in the budget. Stated that to satisfy the citizens perhaps maybe the Council could make this clear to them that this is a priority for everybody in the three districts in the City and that the Council could bring it together as quickly as possible, which might bring some resolution or a commitment by Council. It has come to his attention that the fire mechanics are under a certain amount of duress and are under study to be separated from the City and to be literally privatized and he would encourage the Council to look at this issue real hard and that they have the most efficient fire maintenance group they have ever had and the fire fleet is probably the best it has ever been and for us to take dedicated employees and muster them out without consideration of their benefits or impact that it will have on the fire department might be a little premature.

Sena Peden

Ms. Peden stated that she is a member of the Sunflower Community Action and is asking for the cameras in the police cars. Stated that Sunflower would like to see positive progress for their community and the people of Wichita have spoken and they want cameras in our police cars. Stated that it is unacceptable for the City of Wichita to say that there is no money to support a pilot program for the cameras and they are only asking for .0003% of the 5 hundred million dollar budget from their money. Asked the City Council to search their hearts and to move on with this issue.

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- Unidentified Stated that he is ready to see a change and would like to have Wichita be proactive. Stated that it is hard for him to believe that the small amount of money that they are requesting for this pilot program is such a big issue and the only stumbling block for this is the money. Stated that he does not feel that this would be a waste of money and everyone will see the value in it. Asked the Council to support their request.
- Rickie Coleman Ms. Coleman stated that she is with the Sunflower Community Action group and has been coming before the City Council for the last nine months to encourage cameras being placed in police cars. Stated that the citizens want cameras and are letting the Council know by the signatures that are on the petitions, the phone calls and the e-mails that have been made. Stated that this is a safety and an accountability issue for the citizens and the police department. Stated that they are only asking for \$150,000.00 for the pilot program. Stated that she is here today to ask the City Council to vote for the cameras.
- Leon Normore Mr. Normore stated that he is a member of Sunflower and knows that the City Council will do the right thing regarding his tax dollars and looks at this as an important issue. Stated that safety is very important in this City and that there is no reason for us not to have this type of technology.
- Sara Stevens Ms. Stevens stated that she is with Sunflower and that this issue is a priority to her personally and is something that the police department needs.
- Chief Williams Chief Williams stated that the police department has never been opposed to the cameras and focus on what are the needs of this organization and in January 2006 the Council Members set five goals and one of those goals was to provide for a safe and secure community and under that goal the first thing that they had listed was to maintain and or improve the response time and crime rate. Stated that they submitted a budget this year that focused on those goals and those indicators and when you look at the budget they looked at needs and what are the needs of the Wichita Police Department to accomplish the mission, the goals and the objective of this community. Stated that when you look at those needs we talk about personnel, eight additional police officers, three additional detectives, four additional marked units, three additional unmarked units, and clerical staff, which are things that are needed to allow them to continue to be proactive in regards to the services that they provide to this community to accomplish the goal that the Council has set for them to enhance the community policing philosophy and to allow them to deal with the growth and development of this community. Stated that we need to address what the needs are to maintain the safety and well being of this community. Stated that \$150,000.00 would get him a couple of more police officers and maybe a couple of more detectives but because this is a tight budget year the fire department came out good with additional fire personnel, which they needed. Stated that they just recently completed a survey for an area on 44 beat and 439 people were interviewed in regards to issues that impact them and one of the questions was what we can do to improve the overall environment that you live in and they said that they would like to have more police officers to help them address crime, drugs, loud music, dilapidated structures, etc. and these are the needs that they are trying to address as an organization. Stated that they are going to come back next year and ask for eight officers and three detectives because this community is growing. Stated that Wichita is 155 square miles and we need the resources to allow them to accomplish that.
- Mayor Mayans Mayor Mayans stated that last year the budget was completed in August and in October brought an item on the CIP Planned Savings Project and the 2005-2014 CIP contain allowance for planned savings of 3% and last year those under expenditures were \$3.75 million dollars and a lot of it was used to buy police cars and to replace bull dozers, back hoes and some of the money was spent on major mechanical and structural repairs and routine maintenance. Stated that our operating budget has gone up 9% and our general fund property total levy 6%, and asked if it is expected that the planned savings to be another \$3.75 million dollars or maybe more than that since or revenues are up.
- George Kolb City Manager explained that the planned savings in the capital improvement budget is depended upon actual expenditures for a project and if we bring a project in under budget a percentage of that goes into our account for planned capital savings and is also dependent on revenues that come in. Stated that they try to plan a general percentage that is going to be dependent upon revenues and savings in the CIP.

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- Mayor Mayans Mayor Mayans stated that he thinks that they can find a couple of million dollars in the planned savings and that his suggestion is to set aside \$150,000.00 for the cameras to be paid by the planned savings.
- Kelly Carpenter Finance Director stated that would be a decision from the Council and that the only thing that the CIP could pay for is the cameras themselves and could not pay for any of the operating costs.
- (Council Member Martz momentarily absent)
- Council Member Brewer Council Member Brewer stated that that this year we turned around and funded the entire fire department to fully man them to put in three stations and to man them with 24 fire fighters and he feels instead of bothering with the pilot program that the Council make the next upcoming budget to fully man all of the police officers, all of the vehicles fully equipped with the radios and the cameras and that to be the number one priority and that way public safety issues are taken care of.
- (Council Member Gray momentarily absent)
- Council Member Fearey Council Member Fearey stated asked Doug Kupper if he has required the information regarding the cost of the utilities and the annual operating expenses for the dome at the tennis court will be.
- Doug Kupper Director of Parks and Recreation stated that they are still finalizing the numbers and the color of the dome will have an impact on the utilities and the number of months that they operate the dome. Stated that they reconfirmed their original numbers that he shared with the Council Members earlier and the vendor they have been working with has verified that the \$29,000.00 for the utility bill that he quoted is still a very good number and \$16,000.00 for staffing purposes as it relates to operating the two extra months over the 10 months that they currently operate. Stated that they would have to look at commodities and possibly increase this budget and would have to work with public works on that issue but think it would be nominal for the first few years of operation as long as they follow the owner's manual in operating the facility. Stated that they are forecasting approximately \$50 to \$60,000.00.
- (Mayor Mayans momentarily absent, Vice-Mayor Gray in the chair)
- Council Member Schlapp Council Member Schlapp stated that there would be income coming in from general user fees and user fees from programs from different organizations. Stated that there are facilities today that pay for themselves and make money with domes and there are some that do not and think that this is something that we need to look at and would be willing to work with Doug Kupper to come up with some of those revenue numbers.
- Council Member Fearey Council Member Fearey stated that she does not think that we would want to take a chance of having to cut down on park mowing or maintenance of anything else because of the dome and that she would like to see the Council take some of the budget money and not fund the communications person for the city manager's office and thinks that people care more about their parks and about this tennis center then they do about us marketing the City. Stated that she feels that even if we do a great job of marketing and bring people here that we better have our parks maintained for them to enjoy.
- Motion-- Fearey moved to take the money for the communication person and move it over to be held for the dome and direct the park department to track the money and if the dome is paying for itself, to look at the communications person in the future.
- Council Member Martz Council Member Martz asked what that would do to the balanced budget.
- Council Member Fearey Council Member Fearey stated that she thinks that position is budgeted at about \$80,000.00 and that we set all of that money aside for the dome and only for the dome or another alternative would be set \$40,000.00 of it into the park department for any non-user fee costs recovery and put the other \$40,000.00 in the reserve and it will still keep the budget balanced.

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## WITHDRAWN

- withdrawn Council Member Fearey withdrew her motion with consent of the second.
- Motion-- Fearey moved that staff take the new not filled communications position out of the city manager's budget and put \$50,000.00 of that money into the park department to be a contingency fund strictly to cover costs on the tennis dome, not covered through user fees and put the remaining money from that position into the reserve fund.
- George Kolb City Manager stated that he would like to put forward another alternative and advise the Council as to the impact of deleting that position. Stated that as was stated earlier, the communications position would be to help to market and take some of the workload off of trying to deal with channel 7. Stated that we know that there will be increase fees for the use of that dome and normally they would take that into consideration, balance it with an increase in the revenues equal to the expenses, which keeps your budget in balance and then monitor it for a year for it to work.
- Council Member Fearey Council Member Fearey stated that we have an opportunity at this point to cover it without taking anything away and once we start saying that we are going to increase the fees to cover this, we get into issues we have had with the golf courts. Stated that this tennis dome is suppose to be for the citizens of the community and since we are funding it with tax dollars, that we should get our user fees to the point where we are competing with the very people who did come and speak to us. Stated that our goal is to serve the taxpayers and we obviously felt that the tennis dome was something needed to serve those taxpayers and she thinks that we need in this budget right now, to make sure that we have the money to cover that. Stated that she is not convinced that we need another communications person and feels that we have a lot of needs in this community.
- George Kolb City Manager stated that there might have not been a need for a communications person but there has been discussion about more television programming that the Council has requested to do and that citizens have asked have requested and because of this we are now going to be televising the workshops and the impact will be that we will not be able to do that programming and if that is okay with the Council then we can go forward with this motion.
- carried Motion carried 6 to 0, (Skelton absent).
- (Council Member Schlapp momentarily absent)
- Motion-- Mayans moved that in the capital improvement program planned savings that we secure \$150,000.00 out of that to fund the cameras in police cars program.
- Council Member Martz Council Member Martz stated that he is confused as to taking money out of the CIP for this and how it works.
- George Kolb City Manager explained that the intent of the motion is to take the capital costs out of the planned savings, which is the actual purchase of cameras and installation. Stated that there is still a gap for the maintenance of the cameras and the archiving, etc, which equates to about \$70,000.00.
- Mayor Mayans Mayor Mayans stated that we can also with those items that would not be covered under the capital improvement planned savings, refer to the planned savings, whatever that amount is for the operating budget.
- George Kolb City Manager explained that planned savings is a deduction from the budget and what you are requesting is increase planned savings for year end that you are not actually reducing planned savings but increasing it.
- Mayor Mayans Mayor Mayans stated that he is not increasing or decreasing and that he is using it and to fund the cameras subject to the planned savings, savings and if there is not a planned savings then it does not get funded.

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George Kolb

City Manager asked the Mayor to include in his motion to make a priority that if there is planned savings in that account that is the first item that you purchase.

## WITHDRAWN

--withdrew

Mayor Mayans withdrew his motion with consent of the second.

Motion--

Mayans moved that \$150,000.00 is purchased as a priority from the CIP planned savings as soon as the money becomes available and that the balance of any cost of maintaining or monitoring the cameras, will come out of the planned savings if there are any in the operating budget

Council Member Schlapp

Council Member Schlapp stated that she understands the communities want for the cameras but to commit and say that it is the number one priority when we do not know what else they are, she has a struggle with that. Stated that she would like for the Council to come back and look at those savings at that point and see what other requests there are on that money.

Council Member Martz

Council Member Martz stated that there has been a lot said today about the needs and wants of the police department and when we are listing something here as a number one priority without those other needs being satisfied first, he would like to make sure that those would be covered first. Stated that he understands the desire of having the cameras and that the argument is where and when do we take care of the other needs of the police department and does not feel comfortable with this because he could see where this could potentially have a priority over other things within the police department.

Council Member Gray

Council Member Gray stated that he has received numerous calls and e-mails and has visited with his DAB members and some community members and they were split on this issue. Stated that there was a significant number in one group that wanted cameras and then a significant number in the other group that said that they did not think it was a priority. Stated that he is at odds with the opinion of whether the community wants this and feels that the best way to handle it and knowing that the police department does support the idea of cameras, is instead of putting cameras in all of the cars right away, but to have a pilot project and that is why he is supporting the Mayor's motion. Stated that he is skeptical to what the results are actually going to be so he would like to take this opportunity to see the data accumulated in a year to see whether or not it would be a good idea to do this across the board for all of the cars.

Council Member Brewer

Council Member Brewer stated that the arguments and the examples that are being used are the Sedgwick County Sheriff's department and the Kansas Highway Patrol and he feels that it is very simple on what this is going to produce. Stated that he feels that we need to go ahead and implement this and get it in place and get the police department fully manned because this all comes down to a public safety issue.

Council Member Fearey

Council Member Fearey stated that we have come a long way this year with setting goals but feels that we were lacking on public input on setting our goals. Stated that if the Council follows Council Member Brewer's recommendation, the budget next year would still need to go through all of the public input and the Council voting now does not commit a future Council so it would still remain a proposal that may or may not have been approved. Stated that using the planned savings, last year the Council was taken off guard when the planned savings item came and they were asked to vote on it. Stated that she would like to see is that as the Council gets closer to the end of the year and start seeing what our planned savings is, that needs to go out to the DABs at a minimum so that they can have a say and people from the community can be there to say what their priorities are. Stated that the Council's priorities have to be the community's priorities. Stated that we need to ask staff for next year to work on a way to have more and earlier public involvement on the whole budgeting process.

--failed

Motion failed 2 to 4, (Nays-Brewer, Fearey, Martz and Schlapp), (Skelton absent).

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- Motion-- Brewer moved that the Council direct staff for the year 2008, that we have a priority to fully man all officers, the cameras in cars, to include radios and all the necessary equipment and that staff be directed to start working on getting the necessary dollar figures in preparation for the upcoming budget and as we hit a savings on various different projects, that those be directed to the police department for them to be able to use in that effort.
- Council Member Martz Council Member Martz stated that he is not sure if the Council can make an obligation or commit on the 2008 at this time.
- Council Member Brewer Council Member Brewer asked the Finance Director if they could take those funds from savings and move them to the police department to start paying for things now during the year of 2007.
- Kelly Carpenter Finance Director stated that as we proceed through the 2007-operating budget if there is any savings at year-end, you could redirect those but not sure how you guess on what the savings would be at the beginning of the year. Stated that for the operating budget at the end of 2006, they could evaluate any savings at the end of 2006 and if you want to allocate those, they could put those into reserves and then you could reallocate for 2007. If you are talking about the 2007 operating budget, they cannot do that until the end of the year but at anytime there are savings you can direct those savings to a specific area.
- Motion died** Motion died due to lack of a second.
- Mayor Mayans Mayor Mayans stated that in operating budget for 2006 was \$462 million dollars and is now \$485 million, which is an increase of 9% but the general fund total tax levy increased from \$85 million to \$90 million dollars and this means that we are bringing in less money then we are spending and are bringing in at a 6% rate and spending at a 9% rate and somewhere down the line we are going to run into some difficulties and that is why we should have part of our budget process to look into having the same percentage and increase of expenditures moved over on a similar percentage to the reserves. Stated that he thinks we are doing great things regarding economic development, public safety and appreciate the police and fire representatives here today. Stated that he is still concerned about the water and sewer rate increase and does not have the votes today to reduce that for the citizens of Wichita because he feels that we have great water resources but feels that we are at a time where people are really hurting financially and believes that our compensation expenditures are much higher and are compensating people at a much higher rate and giving them raises that people in the private sector are not receiving and at some point that is going to back to haunt us all. Stated that there are a lot of good things in the budget and is going to support it today.
- Motion-- Mayans moved to take the recommended action as amended:
- (1) approve the 2007 budgets (with the changes reflected and adopt the necessary budget ordinances, including those for the tax increment financing (TIF) districts and the self-supporting municipal improvement district (SSMID);
  - (2) Approve amending the 2006 budget for the Economic Development, Special Alcohol Programs, Ice Rink Management, Water Utility and Sewer Utility funds;
  - (3) Approve the joint agreements with Sedgwick County;
  - (4) Approve the proposed new schedule of rates and charges for Water Service and place the ordinance on first reading;
  - (5) Approve the proposed new schedule of rates for users of the Sanitary Sewer system and place the ordinance on first reading;
  - (6) Approve the golf green fee increases;
  - (7) Approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County) and
  - (8) That staff take the new not filled communications position out of the city manager's budget and put \$50,000.00 of that money into the park department to be a contingency fund strictly to cover costs on the tennis dome, not covered through user fees and put the remaining money from that position into the reserve fund.
- carried Motion carried 6 to 0, (Skelton absent).

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## ORDINANCE

An Ordinance amending Section 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said Section, introduced and under the rules laid over.

## ORDINANCE

An ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said Section, introduced and under the rules laid over.

## ORDINANCE NO. 47-100

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2007, and ending December 31, 2007, and relating thereto, and concurrently approving certain amendments to the 2006 adopted budget read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## ORDINANCE NO. 47-101

An Ordinance making and filing an increment in ad valorem taxes for the East Bank Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## ORDINANCE NO. 47-102

An Ordinance making and filing an increment in ad valorem taxes for the Old Town Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## ORDINANCE NO. 47-103

An Ordinance making and filing an increment in ad valorem taxes for the 21st and Grove Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## ORDINANCE NO. 47-104

An Ordinance making and filing an increment in ad valorem taxes for the Central and Hillside Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## ORDINANCE NO. 47-105

An Ordinance making and filing an increment in ad valorem taxes for the Old Town Cinema Redevelopment District City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).



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## ORDINANCE NO. 47-106

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley site Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## ORDINANCE NO. 47-107

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial corridor redevelopment district, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## ORDINANCE NO. 47-108

An Ordinance making and fixing general tax levy for the Downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2007, and ending December 31, 2007, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

### **QUARTERLY REPT.    QUARTERLY FINANCIAL REPORT FOR THE QUARTER ENDING JUNE 30, 2006.**

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Report No. 06-0849

(Council Member Gray momentarily absent)

The Finance Department prepares quarterly unaudited financial reports to monitor and review the financial activities of the operating and capital funds. The report is presented to provide the City Council and citizens with information that will assist in making informed decisions. The report is available on the City's web-site and citizens may obtain a printed copy by contacting the Department of Finance at 268-4651.

Comparisons of budgeted amounts to actual revenue and expenditures are provided for each operating fund. In addition, financial statements prepared on an accrual basis are presented for enterprise funds, consistent with requirements of revenue bond covenants.

Financial highlights are summarized beginning on page iii, with financial statements beginning on page 1. Information supplementary to the financial statements begins on page 63, including information on the performance of invested funds, the City's bonded indebtedness relative to the legal debt limitations, capital projects currently underway, tax abatements, the status of the Debt Service fund relative to any debt service payments due from the tax increment financing districts, and a quarterly summary of disadvantaged and emerging business activity.

The Director of Finance will provide a financial overview and stand for questions.

No consideration necessary.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the Quarterly Financial Report for the quarter ended June 30, 2006 be received and filed. Motion carried 6 to 0, (Skelton absent).

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## MULLEN COURT

### REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS; MULLEN COURT APARTMENTS. (DISTRICT VI)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 06-0850

The City has received a request from Transitional Residence Company, LLC (TRC), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the acquisition and renovation of the Mercer Apartments. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.)

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) also review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

The project proposed by TRC involves acquisition of the Mercer Apartments, located at 1146 N. Topeka, by H.O.P.E., Inc. (HOPE), a local non-profit organization. TRC will serve as the project developer. The new project will be known as Mullen Court Apartments. HOPE will refer potential clients for housing and will provide services to apartment residents on an "as needed" basis. The project will involve renovation of the existing apartment building in order to provide for twenty-four one-bedroom apartments, and 8 studio apartments, for a total of 32 units. The monthly rent amounts are expected to be \$275 to \$335 for the one-bedroom units and \$235 to \$250 for the studio apartments. Tenants will pay for electric service (units are to be all-electric), and the developer will pay for water, sewer, and trash removal. Part-time on-site management will be provided.

Renovations of the buildings involved will be carried out in such a manner so as to retain historic character.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (in this case, 7 total units) for market rate tenants. HOPE and TRC have agreed to comply with this requirement.

The City's Planning Department has provided comment regarding the proposed project, with respect to zoning compliance and consistency with the Midtown Neighborhood Plan. The on-site parking will ultimately fall short of current City requirements, which call for 1.25 spaces per one-bedroom or studio apartment. There are currently 22 on-site parking spaces provided for the complex. Thus, it will be necessary for the developer to request an administrative reduction of the parking requirement and possibly a zoning variance, or to make other arrangements to provide additional parking for the complex.

The Planning Department also noted that the 2020 Future Land Use Concept of the Midtown Neighborhood Plan depicts the apartment complex site to be appropriate for single-family detached or duplex uses, not multi-family. The apartment complex is currently properly zoned.

The Office of Central Inspection (OCI) concurs with the parking requirements noted above.

In consideration of the comments provided by Planning and OCI, Housing and Community Services believes that although the project does not promote homeownership it does eliminate a blighting influence, will improve the existing site involved, and will provide safe, clean affordable rental housing in a manner that does not require a change in the existing zoning. In this sense, Housing and Community Services staff believes the project to be consistent with the City's revitalization goals, as the site is located within the City's Neighborhood Revitalization Area. Housing and Community Services is therefore recommending approval of a recommendation for the adoption of a resolution of

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support by the City Council, provided that the developer can obtain any waivers and variances that will be required to complete the project.

The project was presented to the District VI Advisory Board on June 5, 2006. The DAB voted to recommend denial of the resolution of support by a 6-3 vote, due to neighborhood organization concerns regarding the number of LIHTC projects in the neighborhood, the desire to maintain the historic nature of the area, the construction of parking lots adjacent to historic buildings, and the fear that LIHTC residents will not invest in homeownership. During the DAB meeting, the neighborhood organization also expressed concern regarding renovation of a single-family home located at 1156 N. Topeka, which included addition of an accessory apartment to the detached garage, as part of the original LIHTC proposal. Concern was also expressed regarding acquisition of an adjacent vacant lot that was proposed to serve as off-street parking for the apartment complex.

Following the DAB VI vote, the developer met with the neighborhood organization, in an effort to modify the project plan in such a manner so as to gain neighborhood organization support for the project. As a result of those meetings, the neighborhood organization voted to support the project subject to five conditions:

1. HOPE, Inc., serves as the investor for the project and will own the property.
2. No tax credits will be used to alter or develop the single-family dwelling north of the Mullen Court building, and the structure will remain a single-family dwelling.
3. The yard for the aforementioned single-family dwelling, which is directly to the north of the Mullen Court building will maintain its current borders as reflected by the fence currently surrounding the property.
4. No zoning change will be sought to provide for parking at the Mullen Court project. (This is in reference to additional parking.)
5. A variance and/or administrative change will be sought to allow for street parking or parking at Grace Med in order to satisfy the parking requirements of the building.

The developer has agreed to the above conditions, will pursue historic tax credits to renovate the single-family home, and will market the property to a single-family homeowner. The single-family home will not be a part of the resolution of support.

The Housing Advisory Board approved recommendation for adoption of the resolution of support by a 6-0 vote.

The resolution of support will not constitute final plan or design approval. If the project is awarded tax credits, the project developer must comply with all requirements associated with the appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita's LIHTC Policy design guidelines. Further, the developer must comply with any additional reviews that may be requested by the City Council member in whose district the proposed project is planned.

The total project cost for acquiring and renovating the apartment complex is estimated to be approximately \$3,600,000. The applicant intends to finance the project utilizing funding from the sale of housing tax credits and historic tax credits, a private bank loan and financing provided through the Federal Home Loan Bank's Affordable Housing Program. The City will not directly participate in the financing of the project.

The proposed project contributes to the City Council goal of Economic Vitality and Affordable Living. The project is also consistent with the vision statement of the City's Comprehensive Housing Policy, in that it will provide safe, affordable basic shelter, eliminate blight, provide for new housing development in an established neighborhood, provide for collaboration between City, State and Federal government and a non-profit agency, and will promote the availability of housing services and programs in Wichita.

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In compliance with the requirements of City Council Resolution No. R-95-479, TRC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the public hearing be closed; the resolution of support for the Low-Income Housing Tax Credit Application, subject to all local building and zoning codes, ordinances and any additional design review requirements and agreements reached between the developer and the neighborhood, adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

--carried

## RESOLUTION NO. 06-434

A resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

**RICHMOND PL.**

### **REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS; RICHMOND PLACE APARTMENTS. (DISTRICT VI)**

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 06-0851

The City has received a request from Kansas Elks Training Center for the Handicapped (KETCH) and Mark Cox, a local builder/developer, for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the development of rental housing on a tract of land located on the south side of 10th Street North, just west of Richmond, in order to develop a 20-unit housing project that will serve persons with developmental disabilities. The legal description for the site is Lots 1 and 2, Gordon Norris Addition. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.)

Under the City's adopted LIHTC policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) also review the project for design appropriateness and consistency with applicable neighborhood plans. Once the project is reviewed by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

The project proposal involves site acquisition, and construction of a 20-unit housing project that will serve persons with developmental disabilities. The new project will be known as Richmond Place. According to the project summary, the apartment units will be of studio design, and will offer a bathroom and kitchenette. There will be an on-site laundry facility, a common area for socialization amongst the residents and a common food preparation area. KETCH will have training staff located on site during the time that residents are home. The training staff will assist the residents in maintaining independent living skills and will also provide assistance with cooking, cleaning, and provision of transportation. The monthly rent amounts are expected to be approximately \$345, including utilities.

KETCH proposes to construct the apartments in order to provide eight units that will be fully ADA compliant and wheelchair accessible. The remaining 12 units will be designed to serve individuals who are developmentally disabled, but do not require wheelchair access.

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The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units for market-rate tenants. However, the City's policy also includes a provision for waiver of the 20% market-rate unit requirement in the event the project will serve a special needs population. The proposed project is deemed to be eligible for the waiver.

The Office of Central Inspection (OCI) reviewed the project site plan and elevation drawings and has provided the following comments:

- The minimum building setbacks in the MF-29 zoning designation are 25' for the front yard, 20' for the rear yard, and at least 6' for the interior side yards.
- Because the west interior side property line and the south (rear) property line abut SF-5 single-family zoning, there will be a Unified Zoning Code (UZY) "compatibility" building setback requirement applicable to these property lines. This minimum building setback from the west and south property lines would be 25'. It does not appear that the proposed layout accounts for this much setback from the west property line, although it may for setback from the south property line. Minimum compatibility setbacks may be administratively adjusted to reduce them (by application and approval through MAPD/ Superintendent of OCI).
- Solid screen fencing will be required along the west and south property lines, and the west and south property lines will also require a landscape buffer with trees every 40' at minimum.
- Landscaping /landscaped street yard along 10th Street will be required, and it does not appear that the site plan provides for this minimum landscaped street yard area. Parking lot screening will also be required along 10th Street. The project developer may be able to reduce the number of parking spaces to attain some additional landscaped street yard/parking lot screening area, as the minimum UZY parking requirements may be administratively adjusted by up to 25% for infill development projects such as this. (The site plan reflects a total of 28 parking spaces for the proposed 20 units. UZY requires a total of 25 spaces for 20 studio units.)
- The east and west building elevations/design include facades that are "broken up" with different materials and elements, and pitched roof elements above the windows. However, it is recommended that the broad expanse of the south elevation, which abuts single-family zoning, be modified with some architectural elements such as windows, brick bands or brick on a portion of the façade.

The developer indicates that eight units will be fully accessible. However, the Fair Housing Act accessibility guidelines, which would apply to this project, require that all units on the first level (grade level) must be "adaptable", meaning that the other six of the 14 units on grade level must be designed to be "adaptable" to interior ADA requirements. The developer has agreed to comply with any plan review requirements.

The project has been reviewed by the Housing and Community Services Department and has received recommendation for adoption of the resolution of support from the DAB and the HAB. The District VI Advisory approved a recommendation for adoption of the resolution of support by an 8-0 vote, and the HAB approved recommendation for adoption of the resolution of support by a 6-0 vote. The DCC has also approved recommendation for adoption of the resolution.

The resolution of support will not constitute final plan or design approval. If the project is awarded tax credits, the project developer must comply with all requirements associated with appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita's LIHTC Policy design guidelines. Further, the developer must comply with any additional reviews that may be requested by the City Council member in whose district the proposed project is planned.

The total project cost is estimated to be approximately \$1,739,550. The developer intends to finance the project utilizing funding from the sale of housing tax credits, a private bank loan and financing provided through the Federal Home Loan Bank's Affordable Housing Program. The City will not directly participate in the financing of the project.

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The proposed project contributes to the City Council goal of Economic Vitality and Affordable Living. The project is also consistent with the vision statement of the City's Comprehensive Housing Policy, in that it will provide safe, affordable basic shelter, provide for new housing development in an established neighborhood, provide for collaboration between City, State and Federal government and a non-profit agency, and will promote the availability of housing services and programs in Wichita.

In compliance with the requirements of City Council Resolution No. R-95-479, TRC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Don Gray Mr. Gray stated that he is a homeowner adjacent to this property and that he has had no contact with the developer of this project and has some concerns. Stated that he would be liked to have the opportunity to discuss a few things with him and felt that he should have been contacted.

Ron Passmore Stated that he is the developer and would be happy to discuss this project and answer any questions that Mr. Gray and did receive a letter of support from the homeowner's association and that they were in support of this project.

Motion-- Fearey moved that the public hearing be closed; the resolution of support for the application for Low-Income Housing Tax Credits, with waiver of the 20% market-rate unit requirement, subject to all local building and zoning codes, ordinances and any additional design review requirements adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

--carried

## RESOLUTION NO. 06-435

A resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## MADISON

### **REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS; MADISON FAMILY RESIDENCES. (DISTRICT I)**

Mary K. Vaughn Director of Housing and Community Services reviewed the item.

Agenda Report No. 06-0852

The City has received a request from Barry Community Development (BCD) and Mennonite Housing Rehabilitation Services, Inc., (MHRS) for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the acquisition of property located on the east and west sides of Madison Street, between 9th and 10th Streets, and the construction of a multi-family housing project. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.)

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) also review the project for design appropriateness and consistency with applicable neighborhood plans. Once the project is reviewed by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

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The project proposed by BCD and MHRS involves acquisition of all parcels on the east and west sides of Madison Street, between 9th and 10th Streets, as well as adjacent parcels on 9th Street, in order to demolish existing buildings, clear sites, and construct a multi-family housing project that would provide 36 units of housing within 9 four-plex buildings. The project will offer 32 three-bedroom units and four two-bedroom units. Three bedroom units will offer two bathrooms, and the two-bedroom units will offer one bathroom. Apartment units will feature fully equipped kitchens and washing machines and dryers. Two bedroom units will rent for \$375, with the tenants paying utilities. Three bedroom units will rent for \$425 to \$525, with tenants paying utilities.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units for market rate rents. The developers are requesting waiver of this requirement, due to the following extenuating circumstances. The developers' market study reflects that the primary market area will be northeast Wichita, and that the project will appeal to potential tenants who currently reside in this area and who have adequate incomes to pay the proposed rents and will find the development more attractive in terms of price, unit features and project amenities than other available rental units. In addition, the project plan includes a playground facility, basketball court, a community room/clubhouse that will seat 150 people, and a separate 1,200 square foot building that will include three offices that will be made available to elected officials, community police officers, and possibly a credit union. It is necessary to obtain the maximum allocation from the LIHTC program if these facilities are to be included in the project plan. Housing and Community Services is supportive of the waiver.

The City's Planning Department has provided comment regarding the proposed project, with respect to design, zoning compliance and consistency with the Central Northeast Neighborhood Plan. The Planning Department does not recommend support for the project, because they do not consider the project to be consistent with the Central Northeast Area Plan, citing Initiative 2.7, which calls for increased owner-occupied housing in the area.

Planning also notes that while the project will not require re-zoning, a conditional use permit will be required in order to provide four-plex buildings within an area that is currently zoned Two-Family 3 (TF-3). The Metropolitan Area Planning Commission and ultimately, the City Council must approve the conditional use permit.

The Office of Central Inspection (OCI) will require complete plan review. OCI comments, following a preliminary review of the site plan, reflect that the trash dumpsters may need to be relocated in order to move them away from sidewalks/pedestrian areas. Other modifications to the site plan may be required as part of the process of obtaining the aforementioned conditional use permit.

In consideration of the comments provided by Planning and OCI, Housing and Community Services believes that although the project does not promote homeownership it does eliminate a blighting influence, will improve the existing site, and provide safe, clean affordable rental housing. In this sense, Housing and Community Services staff believes the project to be consistent with the City's revitalization goals, as the site is located within the City's Neighborhood Revitalization Area, and involves the removal and replacement of blighted housing. Housing and Community Services is therefore recommending adoption of a resolution of support by the City Council, provided that the developer can obtain a conditional use permit and any other waivers and/or variances that will be required to complete the project.

The project has been reviewed by the Housing and Community Services Department, and has received recommendation for adoption of a resolution of support from the DAB and the HAB with waiver of the 20% market-rate unit requirement. The District I Advisory Board approved a recommendation for adoption of a resolution of support by an 8-0 vote, and the Housing Advisory Board approved recommendation for adoption of a resolution of support by a 6-0 vote. The DCC has also approved a recommendation for adoption of the resolution.

The resolution of support will not constitute final plan or design approval. If the project is awarded tax credits, the project developer must comply with all requirements associated with appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita's LIHTC Policy design guidelines. Further, the developer must comply with any

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additional reviews that may be requested by the City Council member in whose district the proposed project is planned.

The total project cost is estimated to be approximately \$5,096,200. The applicant intends to finance the project utilizing funding from the sale of housing tax credits, a private bank loan and financing provided through the Federal Home Loan Bank's Affordable Housing Program. The City will not directly participate in the financing of the project.

The proposed project contributes to the goal of Economic Vitality and Affordable Living. The project is also consistent with the vision statement of the City's Comprehensive Housing Policy, in that it will provide safe, affordable basic shelter, eliminate blight, provide for new housing development in an established neighborhood, provide for collaboration between City, State and Federal government and a non-profit agency, and will promote the availability of housing services and programs in Wichita.

In compliance with the requirements of City Council Resolution No. R-95-479, the developers have notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the public hearing be closed; the resolution of support for the application for Low-Income Housing Tax Credits, with waiver of the 20% market-rate unit requirement, subject to all local building and zoning codes, ordinances and any additional design review requirements adopted; and authorize the necessary signatures. Motion carried 6 to 0, (Skelton absent).

--carried

## RESOLUTION NO. 06-436

A resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

## PETITION

### **PETITION TO PAVE ALTA, FROM APPROXIMATELY 325" WEST OF ELLIS TO HYDRAULIC. (DISTRICT III)**

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0853

The signatures on the Petition represent 26 of 54 (48.1%) resident owners and 50.5% of the improvement district area. District III Advisory Board sponsored a June 7, 2006, neighborhood hearing on the project. The Board deferred action on the Petition and asked Public Works-Engineering Staff to hold a neighborhood meeting with affected property owners. The neighborhood meeting was held on June 29, 2006. On July 5, 2006, District III Advisory Board again considered the Petition. The Board voted 8-3 to recommend approval of the project.

The project will provide paved access to a developed residential area.

The estimated project cost is \$300,000 with \$294,944 assessed to the improvement district and \$5,056 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.33 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

This project addresses the Efficient Infrastructure goal by providing street paving in an existing residential neighborhood.



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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

William Smallwood

Mr. Smallwood stated that he lives on Alta and that when this petition was first presented to him, he signed it and was excited the street was going to be paved and when asked the question regarding the cost and how long it would take he was told it would be approximately \$500.00 a year for the next ten years. Stated that he signed the petition and received documentation from the City stating that the figures were not the same and it was on a 20-year basis and it was closer to \$600.00. Stated that he voiced his concerns to Council Member Skelton that he signed something that he no longer agreed with and had he know the true figures in the beginning he would not have signed the petition to pave the road. Stated that several others on that block were under the same impression regarding the figures. Stated that when that petition was first signed there were 28 signatures and eight people that have originally signed the petition have since then chose to withdraw their signatures. Stated that a second petition was circulated throughout the neighborhood and it has 31 signatures on it against the first paving petition. Stated that after all of the facts came out and the truths were known on the correct figures and timeline, several people that had signed the first petition have decided that they no longer want to be a part of this. Stated that there was a seven-day deadline involved in this process where you could get in and have your name removed from that petition and thinks that there is a question as to whether or not the correct information was provided within that seven days. Stated that his phone call was not within the seven days but was made. Stated that all he is asking is that now that everybody in that area know the facts if they could circulate another petition for those to sign it to have the road paved and feels that would be the only fair way to do this.

Mike Williams

Mr. Williams stated that back in February a petition was circulated because they felt that the neighborhood needed a lot of change and to get it cleaned up and at that time he agreed on the idea of having the road paved and signed the petition. Stated that in May he received a certified letter from the City and it stated that it would cost more than they were willing to pay and in that aspect they changed their mind. Stated that he attended a DAB meeting and asked the board to defer it and to send someone from the City to explain this to them because they felt misrepresented by the petition. Stated that we went to the DAB meeting in hopes that he could get a resolution from the City and that they would take control of the petition and give them assistance on how to resolve this issue. Stated that the DAB deferred it and they went back and did not hear a lot of positive things about paving this street and felt that they City did not answer their questions. Stated that he brought an opposing petition and received 31 signatures on it and feels that all of his work to try and resolve this and not been looked at in the City Engineer's office. Stated that if the City would help them and bring forward another petition he feels it would do a lot better to see where we are and let the City get involved with it.

John Coleman

Mr. Coleman stated that he concurs with the two speakers and feels that they were mislead and did not sign the first petition because he felt that it was too good to be true.

Motion--carried

Mayans moved to defer this item until the September 12, 2006 meeting. Motion carried 6 to 0, (Skelton absent).

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## PETITION

### PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE AN AREA ALONG MEAD STREET, BETWEEN 55<sup>TH</sup> STREET SOUTH AND 57<sup>TH</sup> STREET SOUTH. (DISTRICT III)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0854

The signatures on the Petition represent 16 of 34 (47%) resident owners and 57% of the improvement district area. District III Advisory Board sponsored a July 19, 2006, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

The project will construct a water distribution system for a developed residential area that is currently served by private water wells.

The estimated project cost is \$95,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.20 per square foot of ownership.

This project addresses the Efficient Infrastructure and Vibrant Neighborhoods goals by extending municipal water service to an existing residential area.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

### RESOLUTION NO. 06-438

A Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90222 (south of 55<sup>th</sup> Street South, east of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans, (Skelton absent).

### PLANNING AGENDA

Motion--  
--carried

Mayans moved that Planning Consent items 36 to 41 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Skelton absent).

## A06-17R

### A06-17R-REQUEST BY CAPTAIN JOE DESSENBERGER OF WICHITA POLICE DEPARTMENT TO ANNEX LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION 327<sup>TH</sup> STREET WEST AND 111<sup>TH</sup> STREET SOUTH. (DISTRICT IV)

Agenda Report No. 06-0855

The Wichita Police Department is requesting to annex 617.29 acres of land generally located northwest of the intersection of 327th Street West and 111th Street South. This is an island annexation located on the southwest side of Sedgwick County. The City of Wichita is the property owner of the future Explosive Ordinance Disposal Range. It is anticipated that the property will be developed with a 40' x 80' metal storage building. A plat has not yet been submitted to the Metropolitan Area Planning Department for review. An isolated road segment located at Pawnee, between Maize Road and 119th Street West, is also included with this annexation request.

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Land Use and Zoning: The proposed annexation consists of approximately 617.29 acres of property currently zoned "RR" Rural Residential. The "RR" Rural Residential zoning will convert to "SF-5" Single-Family Residential upon annexation. Property directly to the north, east, south and west is zoned "RR" Rural Residential and is primarily undeveloped, with a few homes to the south and east. Whether the applicant will apply for a conditional use permit under the existing zoning or request a rezoning to "GI" General Industrial has yet to be determined.

Public Services: There are no water and sewer services near the proposed property.

Street System: The subject property borders 327th Street to the east, 111th Street to the south and 343rd Street to the west--all of which are two-lane gravel roads. The City of Wichita Capital Improvement Program (CIP) 2005-2014, the Sedgwick County Capital Improvement Program 2006-2010, and the 2006 Transportation Improvement Program do not call for any improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the Cheney Fire District within a twenty-six (26) to twenty-seven (27) minute approximate response time from Cheney Fire Department, located at 525 North Main, Cheney, Kansas. Police protection will be provided to the area by the Sheriff of Sedgwick County, headquartered at 141 West Elm, Wichita, Kansas.

Parks: There are no parks near the proposed property.

School District: The annexation property is part of the Unified School District 268 (Cheney School District). Annexation will not change the school district.

Comprehensive Plan: The proposed property does not fall within the 2030 Wichita Urban Growth Area as shown in the Wichita-Sedgwick County Comprehensive Plan, but due to the nature of the anticipated use of the property, the proposed annexation appears to be consistent with the Wichita-Sedgwick County Comprehensive Plan overall.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$79,630 with a total assessed value of \$23,889. This property is owned by the City of Wichita and is therefore tax exempt.

Approving the annexation request would impact Wichita's Safe and Secure Community Goal, for annexation of this property would assist the City in ensuring that Wichita and Sedgwick County citizens are safe.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas introduced and under the rules laid over.  
(A06-17)

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CUP2006-29

**CUP2006-29-ASSOCIATED WITH ZON2006-26-AMENDMENT #2 OF DP-28 BROADWAY 47 PLAZA COMMUNITY UNIT PLAN (CUP); ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL ON A PORTION OF THE CUP. GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 47<sup>TH</sup> STREET SOUTH AND BROADWAY AVENUE. (DISTRICT IV)**

Agenda Report No.06-0856

MAPC Recommendation: Approve, unanimously (12-0), subject to staff conditions.

MAPD Staff Recommendation: Approve, subject to conditions.

DAB IV Recommendation: Approve, unanimously (7-0), subject to staff conditions.

The applicant requests a zone change from "LC" Limited Commercial to "GC" General Commercial on a (+) 34,760-square foot portion(s) of Parcel 1. The requested "GC" zoning is for a Home Depot's proposed garden center, which is considered outdoor storage and sales. The applicant also requests Amendment #2 to the CUP. The proposed amendment addresses redevelopment of the CUP by reducing the area of Parcel 1 and reconfiguring it to create six (6) new parcels; Parcels 1 (reduced in size and reconfigured), 7, 8, 9, 10 & 11. The existing Parcels 2, 3, 4, 5 & 6 of the CUP are not affected by the proposed amendment.

The proposed uses for Parcels 7, 8, 9, 10 & 11 are: shopping center, financial institutions, office, personal services and retail sales as permitted by the zoning district. These proposed uses listed are permitted by right in the existing parcels of the CUP. The maximum building coverage is 30%, floor area ratio is 30%, maximum building height is 35-feet and maximum number of buildings is one (1). These are the same as all or most (but never exceeding) of the existing parcels. Parcel 11 has 35% max floor area ratio, rather than 30%, which all other the other parcels have, other than Parcel 1. Parcel 1's proposed uses are: shopping center, financial institutions, office, personal services, retail sales, garden center, and outdoor sales and storage. Parcels 1's maximum building coverage is 35%, floor area ratio is 40%, maximum building height is 55-feet and maximum number of buildings is four (4). Parcel 1 is the proposed site of the Home Depot. Maximum floor area ratio is approximately the same as in the original CUP, but it appears that maximum building area has increased (10%).

The site currently has a large retail box (1965) on it, most of which is a vacant Checkers grocery store. A pawnshop, a hair salon, a nail salon, a Rent-a-Center, a submarine sandwich shop and a tax preparing office occupy the rest of the building. The applicant is proposing to allow those existing businesses to remain in the eastern portion of the big box, while demolishing the rest of the structure, then rebuild as a Home Depot. Per the current Unified Zoning Code (UZC) a pawnshop is a specific use. At the time of the recording of the original CUP, a pawnshop was considered retail. Per the current UZC, a pawnshop is not allowed in the CUP and the existing pawnshop is considered a legal nonconforming use. Approximately half of the site has never been developed. Other developments in CUP DP-28, on the out parcels, is either, (a) retail; a Dollar Store (1999), a Burger King (1999), a Hollywood Video (1998), or (b) a gas station with a convenience store and car wash (1987), or (c) financial; an Emprise Bank (1989).

At the District IV Advisory Board's July 5, 2006 meeting, the board voted (7-0) to approve subject to staff recommendations. No one present at the meeting spoke against the proposal. At the MAPC's July 6, 2006 meeting, the MAPC voted (12-0) to approve subject to staff recommendations. No one present at the meeting spoke against the proposal. No protests have been received and staff has not received any phone calls protesting the proposal.

The recommendation is that the application be APPROVED subject to replatting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-26) to "GC" General Commercial on the described portion(s) of Parcel 1:

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- B. APPROVE Amendment #2 to Community Unit Plan DP-28 (CUP2006-29), subject to the conditions listed on the proposed amendment to the CUP and the following changes to the proposed amendment's General Provisions, Parcel Descriptions and Proposed Uses:
1. Change language in General Provision #3, 'Drainage' to "...drainage and drainage improvements will be guaranteed at the time of the final plat.
  2. Reduce the parking requirements in the reconfigured Parcel 1 and the newly created Parcels 9, 10 & 11, by 25%.
  3. Add Parcels 2, 3 & 6 to General Provision #9, 'Landscaping' in reference to landscaping plan and guarantee.
  4. Revise General Provision #6 "signs": (a) No portable signs or off site signs permitted on the CUP. Allow (a) Maximum size of wall signs for Parcel 1 shall be increased by 20% per City sign code adjustments. (b) Maximum number of wall signs per elevation for Parcel 1 shall increase by two (2). This will allow five (5) signs. (c) Allow one (1) multi-tenant sign along the CUP's 47th Street South frontage and one (1) along its Broadway Avenue frontage, per the City sign code for the "LC" zoning district
  5. All property included within amended portion of the C.U.P. and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed.
  6. The resolution establishing the amendment and the zone change shall not be published until the replat has been recorded with the Register of Deeds. Prior to publishing the resolution establishing the amendment and the zone change, the applicant shall record a document with the Register of Deeds indicating that the replatted portion of the CUP (referenced as DP-28) includes special conditions for development on this property.
  7. The applicant shall submit four (4) revised copies of the amended C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Promote Economic Vitality and Affordable Living

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

--carried

Mayans moved that the findings be adopted; the zone change approved subject to platting within one year and the CUP approved and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to City Council. Motion carried 6 to 0, (Skelton absent).

VAC2006-00013

**VAC2006-00013-REQUEST TO VACATE A PORTION OF PLATTED STREET AND ALLEY RIGHT-OF-WAYS, GENERALLY LOCATED SOUTHEAST OF THE 9<sup>TH</sup> STREET NORTH AND MARKET STREET INTERSECTION. (DISTRICT VI)**

Agenda Report No. 06-0857

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The Stoner Apartments were built in 1909 on Lots 138 & 140, the Munger's Original Town of Wichita plat. The Stoner encroaches into the street and alley rights-of-way (ROW) as described. The Stoner has been deemed eligible for historic designation and the Historic Preservation Planner has submitted the application. Removing the Stoner from the described ROW is essential to this application process. This portion of 9th Street North, between Broadway Avenue (east) and Water Street (west), has had at least seven (7) approved vacations of its ROW between 1959 and 2001. There are utilities, manholes

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and a sewer line in 9th Street and alley ROWs. This portion of 9th Street is classified as a residential street, and the proposed vacation does not reduce its ROW to a substandard width. The Munger's Original Town of Wichita plat was recorded on March 25, 1870.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order, a contingent alley dedication by separate instrument and a restrictive covenant will be recorded with the Register of Deeds

Ensure efficient infrastructure

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

**DED2006-17**

**DED2006-17-DEDICATION OF STREET RIGHT-OF-WAY, LOCATED WEST OF RIDGE ROAD AND SOUTH OF KELLOGG. (DISTRICT V)**

Agenda Report No. 06-0858

Staff Recommendation: Accept the Dedication.

This Dedication is associated with Lot Split Case No. SUB 2006-57 (Block 1, Tract 3, Santa Fe Industrial Subdivision). The Dedication is for five feet of additional street right-of-way along Woodchuck Lane.

Ensure Efficient Infrastructure.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0, (Skelton absent).

**DED2006-18**

**DED2006-18-DEDICATION OF A UTILITY EASEMENT, DED2006-19-DEDICATION OF ACCESS CONTROL AND DED 2006-20-DEDICATION OF STREET RIGHT-OF-WAY, LOCATED SOUTH OF MACARTHUR ROAD AND WEST OF HYDRAULIC. (DISTRICT III)**

Agenda Report No. 06-0859

Staff Recommendation: Accept the Dedications.

These Dedications are associated with Lot Split No. SUB 2006-64 (Lot 1, Block 2, Louis Addition). The Dedications are for: 1) a two-foot utility easement for construction and maintenance of public utilities; 2) access control, except for two openings along MacArthur Road; and 3) street right-of-way along MacArthur Road.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 6 to 0, (Skelton absent).

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DED2006-21

**DED2006-21-DEDICATION OF A UTILITY EASEMENT AND DED2006-22-DEDICATION OF ACCESS CONTROL, LOCATED ON THE NORTH SIDE OF PAWNEE AND EAST OF OLIVER. (DISTRICT III)**

Agenda Report No. 06-0860

Staff Recommendation: Accept the Dedications.

These Dedications are associated with a Lot Split No. SUB 2006-25 (Block H, McAdams Acres Addition). The Dedications are for 1) a ten-foot utility easement for construction and maintenance of public utilities; 2) complete access control along Pawnee Avenue.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 6 to 0, (Skelton absent).

**AIRPORT AGENDA**

Motion--  
--carried

Mayans moved that Airport consent items 42 to 45 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Skelton absent).

AON SERVICE

**AON SERVICE CORPORATION (ASC), SUPPLEMENTAL AGREEMENT NO. 1.**

Agenda Report No. 06-0861

On September 1, 1981, the Wichita Airport Authority entered into an Agreement with Don Flower Associates, Inc. for the construction of a 15,748 sq.ft. facility located at 1995 Midfield Road on Wichita Mid-Continent Airport. ASC is successor-in-interest to Don Flower Associates. The term of the Agreement is through August 31, 2006, and includes multiple renewal options.

ASC is desirous of exercising one of three, five-year renewal options at this time. The term of the extension is for the period September 1, 2006 through August 31, 2011.

The facility has been appraised by the Martens Companies. The original Agreement states that rental rates during the option periods will be at 50% of fair market rental value. Based upon the appraisal, annual revenue of \$72,834.50 will be generated for the WAA.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating and maintaining agreements, which allow the Airport to continue its operation on a self-sustaining basis.

The Supplemental Agreement has been approved as to form by the Department of Law.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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## **CESSNA AIRCRAFT     AGREEMENT-CESSNA AIRCRAFT COMPANY.**

Agenda Report No. 06-0862

Upon completion and occupancy of a new facility on Mid-Continent Airport, Honeywell vacated the office building previously occupied by Honeywell at 1935 Midfield Road. The building is now available for lease by the Wichita Airport Authority.

Cessna Aircraft Company has expressed an interest in leasing the facility for a three-year term, commencing August 1, 2006, with ten automatic one-year renewal options, unless cancelled.

The facility has been appraised by the Martens Companies. A rental rate of \$7.00/sq.ft. is recommended. The facility encompasses 7,150 sq.ft., and will yield an annual rental amount of \$50,050. If the renewal options are exercised, rental increases will occur every two years until 2015, at which time the rental rate will remain at \$8.00 for the remaining four years.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements, which allow the Airport to continue its operation on a self-sustaining basis.

The Agreement has been approved as to form by the Department of Law.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized.  
Motion carried 6 to 0, (Skelton absent).

## **MIDWEST CORP.     SUBLEASE AGREEMENT BETWEEN MIDWEST CORPORATE AVIATION, INC. AND QUASAR AVIATION CORPORATION-COLONEL JAMES JABARA AIRPORT.**

Agenda Report No. 06-0863

Midwest Corporate Aviation (MCA) is the fixed base operator on Colonel James Jabara Airport and has space available in a 12,000 sq.ft. hangar constructed by MCA.

MCA has been approached by Quasar Aviation Corporation to sublease the facility for a three-year period, and MCA is able to accommodate this request.

There is no financial impact to the Wichita Airport Authority.

The Airport's contribution to the economic vitality of Wichita is promoted by utilizing existing facilities to the fullest extent.

The Law Department has approved the sublease agreement as to form.

Motion--  
--carried

Mayans moved that the sublease agreement be approved and the necessary signatures authorized.  
Motion carried 6 to 0, (Skelton absent).



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## **RAGE INC.**

### **RAGE INC.-ASSIGNMENT.**

Agenda Report No. 06-0864

On December 21, 1998, the Wichita Airport Authority approved an Agreement with RAGE, Inc. for use of land on which to construct an aircraft storage hangar on Colonel James Jabara Airport. RAGE is now requesting approval to transfer and assign one-half of its right, title and interest in the Agreement between the Wichita Airport Authority and RAGE to Devlin Management, Inc.

Article 35 of the Agreement between RAGE and the Wichita Airport Authority states that RAGE may not assign the Agreement without the written consent of the Wichita Airport Authority, which consent shall not be unreasonably withheld. Use of the facility must be aviation-related, and RAGE has indicated that use by both RAGE and Devlin Management will be for general aviation purposes including hangaring and fueling of their aircraft.

There is no financial impact to the Wichita Airport Authority.

The Airport's contribution to the economic vitality of Wichita is promoted by utilizing existing facilities to the fullest extent.

The Law Department has approved the Assignment.

Motion--  
--carried

Mayans moved that the Assignment from RAGE of one-half of its leasehold interests to Devlin Management, Inc. be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

## **CITY COUNCIL**

### **BOARD APPTS.**

### **BOARD APPOINTMENTS.**

Council Member Fearey

Council Member Fearey requested that the following people be reappointed to DAB VI: Marsha Carr, Rosalie Bradley, Linda Matney, John VanWalleghe, Charlie Claycomb, Bob Schreck, Bob Wine, C. Bickley Foster, Jaya Escobar and Carol Skaff.

Motion--carried

Mayans moved to approve the reappointments. Motion carried 6 to 0, (Skelton absent).

## **RECESS**

Motion--

Mayans moved that the City Council recess into Executive Session at 1:15 p.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation and legal advice and that the Council return from Executive Session no earlier than 1:45 p.m. and reconvene in the City Council Chambers on the First Floor of City Hall. Motion carried 6 to 0, (Skelton absent).

--carried

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**RECONVENE** The City Council reconvened in the Council Chambers at 1:55 p.m. Mayor Mayans announced that no action had been taken.

Motion--carried Mayans moved to close the Executive Session at 1:55 p.m. Motion carried 4 to 0, (Gray and Martz not present and Skelton absent).

Motion-- Mayans moved to close the Regular Meeting at 1:56 p.m. Motion carried 4 to 0, (Gray and Martz not present and Skelton absent).

Adjournment The City Council meeting adjourned at 1:56 p.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk

\*\*\*Workshop followed in the Council Chambers of City Hall\*\*\*